# INDIA

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## Indiana.

Help from Sir C. Elliott.

THE attention of our readers is specially directed to the articles which appear in our present issue upon the combination of executive with judicial duties in India. Mr. Herbert J. Reynolds, C.S.I., Sir John Budd Phear, Professor A. F. Murison, and Mr. J. Dacosta have favoured us with a series of unanswerable criticisms upon the remarkable apology for the existing system which Sir Charles Elliott contributes to the current number of the *Asiatic Quarterly Review*. It only remains for us to tender to Sir Charles our sincere thanks for a piece of candour which is, and will be, of such enormous assistance to us. After the frank admissions of the *Englishman* it was, of course, impossible for any apologist of the combination of incompatible functions to dwell seriously upon the cost of reform. That bubble, as Sir Charles Elliott by implication admits, has been burst for ever. He addresses himself, therefore, to the courageous task of defending "the detective as judge" as a meritorious institution, and of belittling the numerous and scandalous cases of injustice for which the anomaly is responsible. This, of course, is precisely what was wanted from our opponents. "His ideas," as a distinguished Anglo-Indian jurist writes, "are about as extravagant as they can be. All the better for us. The more extravagant his ideas, the more the injustice of the system ought to present itself to right-thinking people." Sir Charles Elliott has rendered the Congress the only service that lay in his power in the cynicism of his tone, the frankness of his admissions, and the audacity of his defence of the indefensible. He is to be congratulated upon having (however involuntarily) strengthened the hands of the deputation which is shortly to wait upon the Secretary of State for India and lay the whole case for reform before him. Lord George Hamilton, in his speech on the Indian Budget in the House of Commons, suggested that the only difficulty in the way was the pecuniary difficulty. Mr. Romesh Chunder Dutt has satisfactorily disposed of that contention, and now Sir Charles Elliott and the *Englishman* have made it abundantly clear that the real objections of our opponents are quite different and quite untenable. They have only to be clearly stated in order to strengthen our hands.

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India and Foreign Policy.

LORD ROSEBERY'S remarkable speech at Edinburgh (October 9th) has been summarised, not unfairly, by Mr. Leonard Courtney, M.P., as contending that

"we are distrusted, if not detested, by every European Power. And we are so weak with swollen Empire that we are under hostages for at least twenty years to come. The weary Titan

has become a fat Falstaff, obese and floundering, gorged beyond digestion, incapable of action."

The key of the situation, according to Mr. Courtney, is Egypt. But is it not nearer the truth to say (as we hinted last month) that the error which underlies the whole of British foreign policy is a wrong estimate of the conditions affecting British rule in India? Since the settlement of the Canadian difficulty in 1867, the colonies have caused the mother country scarcely an hour's anxiety. The fear of Canadian annexation to the United States is now known to be a nightmare. In spite of disturbances in the Transvaal, little doubt is entertained as to the safety of the South African colonies. Australia and New Zealand are evidently at the mercy of any fleet which can even temporarily gain command of the ocean, but it is equally evident that no Power in the world could for a moment hope to occupy or hold them against the will of their inhabitants. It is fast becoming a mere truism that the colonies are bound closely to the mother country by bonds of mutual interest and respect, rendered the stronger by the laxity of the formal and legal ties that unite the central government to the self-governing dependencies. Nor would Venezuela ever be allowed to produce more than a diplomatic struggle between nations so closely akin as England and the United States. No international question of first-rate importance has been discussed or fought out by force of arms during the present reign in which the attitude of England has not been chiefly determined by the imaginary necessity of preserving the Indian frontiers from the danger of Russian aggression, or of securing the route to India by the Suez Canal. The fortification of Gibraltar and Malta, the annexation of Cyprus, the prolonged occupation of Egypt, and the repeated attempts to bolster up Turkish rule in Asia were inspired by this same desire, which half a century or more of custom, reinforced by the "Jingoism" of Tory ministries, has raised to the dignity of a cardinal principle of British diplomacy. With the speech of Mr. Gladstone still ringing in their ears, students of contemporary politics need hardly be reminded that while England relied on the aid of other Powers to secure the revision of the Treaty of San Stefano in such a direction as to exclude Russia from the Mediterranean, the secret Cyprus Convention guaranteed the inviolability of the Sultan's Asiatic dominions, in order to guard against a possible Russian advance through Asia Minor and Persia, and so to the Persian Gulf and India. An Englishman needs no proof to assure him of the fact that India is the most glorious heritage he has received from his ancestors. The sense of power which is gratified by the control exercised over the destinies of three hundred millions of people, in no way inferior and often superior in intellect and civilisation to the races of the western world, causes him to assert the inseparableness of the union between England and India with a vigour which even a knowledge of the mercenary advantages derived from Indian trade, or the sentimental attachment to a country where so much English blood has been spent, and where France and England fought out their duel for the colonial empire of the world, could hardly inspire alone. But Englishmen do not for the most part make the very easy and obvious inference that the corner-stone of the Empire must be the keystone of imperial policy.

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The Russian Spectre.

IT is nearly seventy years since that loyal co-operation of France, Russia, and England, which is to-day the earnest desire of every humane Englishman, was last witnessed in the establishment of Greek independence. The friendship then felt by England for Russia has since been replaced by a morbid dread of her increasing power; and the energy of a series of British ministries has been directed to the purpose, foredoomed to futility, of checking the natural expansion of a youthful nation. With lamentable want of foresight it was believed that Russia could and, if left to grow undisturbed, ultimately would threaten British supremacy in India. There was the only point at which the interests of the two countries met in conflict. In accordance with this belief the Indian Government adopted the fatal policy of interference with the Afghans, a race whose brave and ardent attachment to liberty was a sufficient guarantee that they would resist any attempt at conquest by Russia as vigorously and as successfully as they have hitherto resisted all attempts at subjugation by Anglo-Indian troops. Ten years later, England, with French aid, embarked on an iniquitous war in the Crimea in order to cripple Russia. The net result of the war was the loss to the four nations engaged of over half a million of men, and to England alone of seventy-seven millions of money. Five years later, England was engaged in feverish preparations against her former ally. Fifteen years later, Russia had taken advantage of the temporary weakness of France to insist on a revision of the ridiculous stipulations of the Treaty of Paris, and had acquired the right to maintain a fleet in the Black Sea. How far France was from feeling that the interests of her people were injuriously affected by this action of Russia's is seen in the growing friendship between the two nations during the next twenty years, and the steady increase of French hostility to English policy. To this result the pseudo-imperial character of Disraeli's policy from

1874 to 1880 immensely contributed. His genius combined with Russophobist activity in Asia an attempt to gain for England an ascendancy in the councils of Europe without entangling her in any Continental alliances. The result of this union of misguided and impossible schemes was seen in a war as disastrous as the preceding one in Afghanistan, resembling it in every detail, equally destitute of result, and ending in the acceptance of the Russian *protégé* Abdur Ráhman as ruler in Kabul. In Europe it produced the purchase of the Suez canal shares, which, while laudable as a commercial investment, cannot justly be vaunted as a superb stroke of policy, or as constituting a British right to a protectorate of Egypt with the view of securing the route to India. It resulted also in the thwarting of European intervention in Turkey by the Berlin Note of 1876, in threats towards Russia which, in view of her action in checking the revolt of Servia and Montenegro in 1876, and her declaration before she commenced the war in 1878, were an insult to that Power; and it produced a display of military force by the unconstitutional summoning of Indian troops to Cyprus. Small wonder, therefore, that Russia, irritated by the overbearing attitude of the British Government, should revenge herself by once more arousing British fears with regard to India, and provoke another costly and useless invasion of Afghanistan. French jealousy and apprehension had already been roused by the hasty purchase of the Khedive's shares, and such apprehension was not likely to be lulled by the growing influence of Englishmen in the administration of Egypt. The evidence of French suspicion was the demand for representation on the Egyptian ministerial council, and the appointment of M. de Blignières. Its justification is the course of events from the bombardment of Alexandria down to the present time. Far from making any preparations for the evacuation or neutralisation of Egypt, England has avowed her intention of reconquering the Sudan as far as Khartum before she withdraws from the control of Egyptian affairs. It is besides notorious that no official of high rank is Egyptian, and consequently that no provision is being made for the management of the various State departments in the event of evacuation. The consequences of the disregard of French prejudice, and her lawful claims, have been seen in the persistent hostility of the French press, the strengthening of the alliance between France and Russia, Russian activity in Central Asia when England's action being unusually vigorous has called forth unusual resentment on the part of France—witness the Penjdeh incident in 1885, and the threat of a Russian railway to Herat during the present summer—and the suspicion and hostility which was provoked by the proposal of England to intervene in Armenia. How can British action in Egypt be reconciled with the despatch of Lord Granville to Lord Dufferin, wherein he said, "Her Majesty's Government continues to hold the view that any intervention in Egypt should represent the united action and authority of Europe?"

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India the Keystone.

THUS the present policy of England, after a trial lasting more than half-a-century, has not only failed in its immediate objects of checking the extension of Russian influence in the East, and in Central Asia, but it has led successive Governments into disastrous and costly wars, and even to breaches of faith which, by exciting the profound distrust that characterises all foreign views of English diplomacy, have reduced the country to impotence on the one occasion when the national conscience dictates vigorous action on purely disinterested lines. The long-desired conjunction of France and Russia with England should of course be secured without any avoidable delay. Such an alliance would be welcomed by the whole world, except, perhaps, Germany, whose vituperation of England is based on colonial and commercial jealousies, and may therefore be disregarded in this connection. But more than this is necessary. No merely temporary alliance will suffice. The basis of English policy needs to be revised, and, in order to this, a true conception of the position of India must be reached. The Russian spectre on the North-West Frontier must be exorcised once and for all. Not only is there no evidence of the existence of any Russian designs with India as their object, but even during half a century of British aggression, accompanied by numerous expeditions on the North-West, Russia has made no demonstration except on the two or three occasions when the European interests of herself or her ally rendered a diversion advisable. She has contented herself with gradually absorbing the peoples of Central Asia, promoting trade and the arts of peace, and so naturally extending her frontiers to the Hindu Kush, the limits assigned by geographical conditions. Not even when the Mutiny threatened to destroy British rule did she raise a hand to interfere, though she was still smarting under the restraints imposed upon her by the Treaty of Paris, and the frontier was denuded of British troops. Travellers and even British officers like Colonel Gerard of the Pamir Delimitation Commission bear testimony to her peaceful pursuits in those regions. Such a change of attitude on our part would be necessarily followed by the cessation of all advance on the North-West, and a wide and frank recognition of the fact, so often pointed out by competent judges, and emphasised by the bitter experience of Kandahar, Maiwand, and

Kabul, that a free Afghanistan is the best guarantee against aggression. At the same time the consequent improvement in Indian finance by the rapid reduction of her inflated military expenditure would check the growing discontent and render vain the attempt of any foreign power to overthrow British rule by means of sedition in India. With a peaceful, contented, and prosperous India even the apparent expediency of a prolonged occupation of Egypt, with all its manifold disadvantages, would vanish. The neutralisation of Egypt under a European guarantee, the evacuation of Chitral, and withdrawal from Cyprus on such conditions as shall best promote the welfare of the inhabitants—these measures can alone enable England, having redeemed her long-neglected pledges, to take that place in the councils of Europe which should be hers, not in virtue of definite alliances with any group of Powers, but as an honourable and powerful nation, the defender of the weak and the vindicator of freedom. In India Great Britain has violated her high tradition of constitutional government for the benefit of the people. Her offence has brought with it its own punishment in a certain loss of political uprightness, and a certain nervousness that is characteristic of a guilty conscience. The oft-exploded fallacy still obtains that India is held by English troops, and not in virtue of popular assent to British rule as good in the main though capable of improvement. On that falsehood, and on the kindred fallacy that India is likely to become the willing prey of a foreign power, rests the whole fabric of aggression, political nervousness and crooked diplomacy which has gained for England the dislike and distrust of her neighbours. The loyalty of India was put to the severest possible test in 1857 and it proved equal to it. Since then it has triumphantly stood the strain of innumerable petty shocks and minor injustices. What reason, therefore, prevents the granting to India of some measure of self-government or representation such as proved so successful in securing the adherence of the colonies to Great Britain? Such institutions are, historically, at least as natural to the Indian people as to the English. Then India, "the brightest jewel of the British crown," would become a treasure to be displayed with pride, not clutched and brooded over with miserly apprehensions that see an enemy in every shadow. She would become the bulwark of England's strength, instead of being as she is now, through no fault of her own, a source of frequent weakness.

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The "Forward" Policy.

IN a letter published in the *Geographical Journal* for October, Colonel Holdich writes from Simla that since laying down the Afghan boundary between Chitral and Kafiristan, which, as he remarks, was done *pari passu* with the Chitral imbroglio, he has discovered other Arnawai rivers, several Bashgols, and one of the "very important Landai Sin." He adds that the river flowing through Kafiristan from the west into the Chitral or Kunar river, correctly called Arnawai by McNair and Woodthorpe, was also called "Bashgol" and "Landai Sin." The Arnawai or Bashgol valley was a populous district within the limits of Kafiristan, and, as regards that country of mountain fastnesses, of comparatively easy access to the onslaught of an invading force. It was this valley, as it will be remembered, that was excluded from Afghan dominion by the agreement drawn up at Kabul in November, 1893, between the Amír Abdur Ráhman Khan and Sir H. Durand. By that agreement we handed over to their hereditary and remorseless foe the brave people of Kafiristan, who for centuries past, aided by the difficult nature of their country, had been able with their bows and arrows to keep at a respectful distance their Afghan neighbours, not supplied with the modern arms of precision as they are now at the expense of the Indian taxpayer. Unworthy of us as this act was, it had this one redeeming point. The English agent who had been sent to Kabul to secure certain ends of our own expressly reserved the Bashgol or Arnawai, or Landai Sin region as that portion of the then existing Kafir country in which the Amír was at no time to exercise any interference. A year had scarcely elapsed before the Chitral difficulty presented itself —a difficulty, it may be remarked, from first to last of our own making. We knew that a word from the Amír at that time would have raised a hornet's nest about our ears. The march of a British force through a difficult country of some 200 miles, peopled by warlike and fanatical tribes, who look and who as long as he lives will always look to him for guidance, would then have been a hazardous as well as a ruinous operation of war in the existing condition of Indian finance. We also feared that he could not be otherwise than dissatisfied when he heard of our decision to retain garrisons in Chitral after we had proclaimed far and wide throughout the land that once our object was attained—the release of our Agent besieged in Chitral—no British force would be left beyond our own proper frontier. Accordingly in 1895 we handed over to the Amír the very tract of country peopled by the Kafir race that we had expressly reserved from Afghan dominion. In the Agreement—published as a Parliamentary paper during last Session—dated 9th April 1895, this Bashgol river is alluded to as the Landai Sin "notorious in Afghan idiom" and known under that name, and in the last article of the Agreement is said to have been

decided to pertain to the Afghan Government. As Colonel Holdich has now discovered another "Landai Sin" to the east of the Kunar river, it may be asked why the Landai Sin to the westward of that stream was described in the Agreement of 9th April of last year as the Landai Sin "notorious" in Afghan idiom? Was this alleged notoriety put forth and recorded in the Agreement drawn up between the English and Afghan Agents as a basis for the decision arrived at that it should thenceforth become Afghan territory? Considering what the nature of our embarassment was at the time as regards the Amír, we can at present only draw our own conclusions as to why this step was taken to gratify him at the expense of a helpless race. As regards official information on the subject all is dark. No papers as yet presented to Parliament throw any light whatever on the circumstances that led in the first instance—November, 1893—to our including Kafiristan within the Afghan sphere of influence with the exception of the Arnawai or Bashgol or Landai Sin valley, or, on those that led —April, 1895—to our withdrawal of that reservation. It is to be hoped that when Parliament meets, papers giving the reasons for these dubious transactions will be called for.

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A "Missing Link."

AN Anglo-Indian correspondent writes: "Mr. J. M. Maclean, the member for Cardiff, in a recent letter to the *Times* raised an alarm that the Russians are securing all the trade in Central Asia. In skilful popular phrase, he went on to urge that railways should be pushed on from India to meet the Trans-Caspian lines; and sought to create an impression that this would be all that is needed, if not to supersede the Muscovite traders, at least to secure a considerable advantage for British commerce. In the present confused and morbid temper of the public mind regarding the race for 'new markets,' this high-flying scheme was quite good enough for the man in the street, and was greeted accordingly. And is not this grand: 'The whole distance from Chaman to the terminus of the Russian railway system on the north of Afghanistan is only 500 miles; and if this missing link were supplied we should soon have an overland line of railway from Calais to Calcutta [alliteration's artful aid], with the single break of the voyage across the Caspian Sea.' The eccentric physical geography of this scheme is well illustrated by those catch phrases, 'missing link' and 'single break'; and there is another single break omitted in this survey from Calais to Calcutta, that is, the 'Channel of Constantinople.' But as Mr. Maclean's scheme is to utilise the Russian railways, he will, at Batoum, find there is the whole length of the Black Sea forming a wide gap in his imaginary 'overland railway from Calais to Calcutta.' Mr. Maclean's audacity is worthy of him; but he presumes too much on even the mania for new markets—before the old routes are half utilised. And there is a bigger missing link in his scheme—conspicuous by its absence, that is, the cost, which would be magnificent. How would that be supplied? This indicates the minor premiss carefully shunned in his rhetorical and reckless project, namely, that as the basis of it is 'extension of the Indian railway system,' helpless, impoverished India would be expected to take the initiative and sustain all the risks!

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Poor India pays.

"THAT Mr. Maclean knew he could safely count upon the true inwardness of his amazing scheme being overlooked in the present flighty condition of the public mind under its 'mania for new-markets,' is shown by an influential evening journal's rising to it open-mouthed, and responding with an air 'child-like and bland' thus: 'One fact is certain. Our authorities cannot defer consideration of the question of the junction of the Indian and Russian railways much longer'! As to the certainty of this writer's 'facts,' it may be noted that in quoting Mr. Maclean's 'from Chaman,' he interpolates '*on* our Indian frontier,' whereas that Afghan post is over 200 miles beyond our frontier; but that is a trifle with some people, seeing that wretched, helpless India has been compelled to attempt to bridge part of that barren, inhospitable interval with a military railway at the cost, already, of a couple of millions. The hardihood of thus cherishing an 'Imperial' vanity at the cost of 'other people's money,' is amazing, to put it mildly. Besides, the same writer opens his note on the absurd scheme with an odd delusion when he says: 'Surely the days of Russophobia are numbered when an Anglo-Indian and Tory M.P. is found advocating,' etc. It ought to be known that Mr. J. M. Maclean, M.P., is now, as he always has been, a typical Russophobist; only, for this occasion, he has the dexterity to turn his fixed idea the other way about. Let us, he says in effect, attack, smash, and supersede the Muscovite on his own ground in barren Central Asia; which, he asserts, 'needs nothing for the revival of its ancient fertility but order and good roads.' Here are omitted two very large factors—water and re-afforestation. The Russians, when not engaged in scaring our Simla Russophobists with strategical expeditions, are doing some little in that constructive direction; but they will require at least fifty years for that work—as also funds incalculable. The idea of compelling the Indian taxpayer to put his hand in his pocket for a Calais-to-Calcutta railway is a little too good."

# JUDICIAL AND EXECUTIVE DUTIES IN INDIA.

## SIR C. ELLIOTT'S "APOLOGIA."

I.—BY HERBERT J. REYNOLDS, C.S.I.,
*Sometime Secretary to the Government of Bengal, Member of the Viceroy's Council, etc., etc.*

The current number of the *Asiatic Quarterly Review* opens with an article which has perhaps surprised some of those who call to mind the earlier reputation of Sir Charles Elliott. When he won his spurs, first as Secretary in the North-West Provinces, and afterwards as the guiding spirit of the Famine Commission of 1878, he was known as an advanced and ardent Liberal, too advanced, indeed, to thrive in the Conservative atmosphere of Indian official life. But this is an age of strange conversions and unexpected changes. The generation which has seen Mr. Chamberlain a prominent member of a Tory Cabinet, need not greatly wonder to find Sir Charles Elliott the opponent of a much-needed reform, the champion of an indefensible abuse.

The particular reform against which Sir Charles Elliott contends is the proposal to separate judicial and executive functions in Bengal, so that these powers shall no longer be united in the same individual. Whatever may be thought of his judgment, the selection of this topic is at least creditable to his courage. For the expediency of this reform is one of the few Indian questions upon which men of all parties and interests are agreed. Conservatives and Liberals here find themselves in the same lobby. Mr. Bhownaggree is the only Indian gentleman now in Parliament, and he sits on the Ministerial side of the House. But on this subject he is in full accord with the Opposition; and in a recent debate he emphasised his convictions by delivering an earnest and impressive speech in favour of this reform. The question is not one in which abstract arguments can be quoted on one side, and the weight of practical experience and authority on the other. Lord Cross and Lord Kimberley have both held the office of Secretary of State for India. They differ widely upon many points; but in their support of this proposal they are in complete harmony. It has sometimes (I do not say justly) been made a matter of reproach against lawyers, that they are slow to originate or to welcome reforms in legal procedure. But Sir Richard Garth, a late Chief Justice of Bengal, and Sir W. Markby, a late judge of the Calcutta High Court, warmly advocate the scheme. Sir Raymond West, formerly a judge of the High Court of Bombay, has added his testimony to theirs.

What, then, can have induced this new "Athanasius contra mundum" to resist a proposal recommended alike by authority and by reason? Is it possible that the secret is disclosed in the opening paragraph of the article? This reform, we are told, "is a leading plank in the platform of the National Congress party." And, a little further on, the writer refers to "Mr. Manomohan Ghose and the Congress party" in tones of unmistakable aversion and contempt. It is no doubt true that the people of India, speaking through their representatives in the Congress, have pressed this reform, among others, upon the Government, and Sir Charles Elliott has made no secret of his dislike of the Congress and its doings. But a man must think very badly indeed of the Congress, if its advocacy of a cause, however just and reasonable that cause may be, is alone sufficient to induce him to range himself on the opposite side. I cannot retort, even if I had wished to do so, by speaking of "Sir Charles Elliott and his party," for on this question I do not know that anyone agrees with him. But it should be remembered that the part of Athanasius is sublime, when he is the solitary champion of a valuable truth: it becomes ridiculous, when he is the last supporter of an exploded error.

Mr. Manomohan Ghose, a well-known barrister of Calcutta, lately issued two pamphlets, one containing the opinions of eminent authorities on the union of executive and judicial functions, and the other a compilation of actual cases illustrating the evils and abuses of the present system. Sir Charles Elliott, in traversing this indictment, declares that—

> "The existing system has great merits and advantages, that it in no way trenches on the judicial independence of the subordinate magistrates, that there are weighty arguments against its modification besides those which arise from financial considerations, and that no valid proof has been adduced of any evil arising from it."

In support of this view, he lays down two propositions—first, that it is essential that the district magistrate should hold in his hands all the threads of the different branches of the Administration, and should have the officials in all those branches under his general control; and, secondly, that the subordinate magistrates ought to be advised, guided, and inspected by a superior officer, and that this end could not be attained if the control of the judge were substituted for that of the district magistrate. Sir Charles then proceeds to analyse the selected cases referred to by Mr. Ghose; and he comes to the conclusion that six of the cases are wholly irrelevant to the present issue; that in five cases there is nothing to show that the prevention of the magistrate's action would not have been pure loss to the administration of justice; that nine cases do not show the system to be a bad one, but simply "involve the personal equation of the magistrates concerned"; and that in all the cases, except one alone, "the

acceptance of the reform urged upon us would have failed to remedy the injustice which was done or seems to have been done." "The attack, therefore, has wholly failed."

It appears to me that such statements as these, coming from a writer who has held the responsible office of Lieutenant-Governor of Bengal, ought not to be passed over in silence; but that they should be examined, and (if it may be) refuted. I am not so sanguine as to hope to convert Sir Charles Elliott to my view of the question. There are those, of whom it was written of old, that they would not be persuaded though one rose from the dead; and their descendants are still among us. But I trust to be able to show, to the satisfaction of candid and impartial readers, that it is the defence, and not the attack, which has failed; that the present system is responsible for serious evils, which could easily be removed; and that in the interests of the pure administration of justice, of popular confidence in our tribunals, and of the credit of British rule in India, it is imperative that these scandals should be swept away, and that a strict line of demarcation should be drawn between the judicial and the executive departments.

Into the abstract merits of the question it is unnecessary that I should enter. That it is undesirable that the same person should at once be police-officer, prosecutor, and judge, is a proposition to which all will assent. What is contended is, that this system, though there may be objections to it in theory, works well in practice; that the evils which might be expected to arise from it do not actually occur; and that it possesses countervailing advantages of great weight and importance. How far this defence has been established, we are now to consider. But it should be borne in mind that the burden of proof is thus shifted, and rests upon those who uphold the present arrangement. That a system which is vicious in principle will naturally bear evil fruit, is a reasonable conclusion. It is for Sir Charles Elliott to show that this is one of those exceptional cases in which it is possible to gather grapes from thorns, and figs from thistles.

The first proposition is that it is necessary that the District Magistrate "should hold in his hands all the threads of the different branches of the administration," or, as it is put in another paragraph of th[e] article, that "all power should be collected into the hands of a single official." One feels inclined to exclaim with Macduff,

> "What? all my pretty ones?
> Did you say *all*?"

Really, one would think that Sir Charles Elliott had never heard of District and Sessions Judges, Subordinate Judges, and Moonsiffs. The disposal of civil suits, and the trial of all serious criminal cases, are surely rather substantial "threads." There are many classes of offences which the Magistrate has at present no jurisdiction to try. Why should it be thought a monstrous proposal to prohibit him from trying any? He is incompetent to try a murderer; but we are asked to believe that the heavens would fall if he were forbidden to try a thief. Even in executive departments it is not accurate to say that the Magistrate is the centre of all authority. Sir George Campbell tried to make him so: but his system broke down under its own weight. He laid upon the shoulders of District Officers a burden too heavy for them to bear: and though, in the twenty-five years which have since elapsed, his policy may not formally have been reversed, it has been silently set aside, and there has been a steady movement in the opposite direction. The Post Office Department is not controlled by the District Magistrate: Education (other than primary) is not in his charge: he is no longer the *ex-officio* Chairman of all Municipal Committees. Registration and Public Works, and even Excise, are tending more and more to specialise themselves under their own departmental heads. And progress in this direction is inevitable, and will advance in the near future with accelerated speed. The system which Sir Charles Elliott applauds may do very well for a barbarous or half-civilised community: it is unsuited to the needs and circumstances of such a province as Bengal. It is, therefore, fortunate that this autocratic chief, who is fast becoming an impossibility, is not so necessary as Sir Charles Elliott fancies him to be. The success of our administration does not depend on the concentration of all power in the hands of one man, but upon all our officers making the best use of the powers they have. There are some powers which have been seriously abused, and which will always be abused, while human nature remains what it is: and it is for the public good that such powers should be taken away.

It is objected, however, that the District Magistrate really tries very few criminal cases, and that, therefore, the proposed reform would make no great difference. Such an argument shows an entire misconception of the nature of the evil, and of the operation of the suggested remedy. The mischief [is] done, not by the cases which the District Magis[tr]ate personally tries, but by his power to try such [c]ases as he thinks fit; by his power to transfer a case from a subordinate who shows signs of independence, to one who will be a ready tool in his hands; by his power to interfere, at every stage of a trial, with advice which is equivalent to a command; by his power at once to conduct the prosecution, and to dictate the sentence. The cases which Mr. Ghose has quoted clearly show that these are no imaginary evils, but real and serious maladies, which will

assuredly recur so long as the present system is maintained. The remedy lies, not merely in relieving the District Magistrate of judicial duties, but in subjecting all judicial officers to the control and supervision of the judicial authorities alone. And this brings me to the second part of the argument.

It would be a fatal mistake, says Sir Charles Elliott, to put the Subordinate Magistrates under the Judge. It is most useful to them to receive guidance and counsel at the District Magistrate's hands; above all, it is of paramount importance that their work should be regularly inspected, a duty which is the breath of the Magistrate's nostrils, but which would be impossible to the Judge. I am at a loss to know how to deal with such baseless assumptions as these. Sir Charles seems to look upon the Judges as a kind of Gods of Epicurus, residing in some distant cloud-land, regardless of human affairs, and only awakened from their repose by the presentation of an appeal. Perhaps this is because he has never filled the office himself. Why should not the Judge be as competent as the Magistrate to guide and advise? Why should it be taken for granted that he will withhold all supervision, till a case comes before him in appeal? Why should inspection duty be impossible to him? In Maimansingh, where I was for some years Magistrate and Collector, there are four or five outlying moonsiffees; and these, as well as the offices at headquarters, were regularly inspected by the Judge. The value of the advice and counsel which Subordinates sometimes receive under the present system may be tested by a reference to No. 8 in Mr. Ghose's list of cases. The Subordinate in that case, acting upon the Magistrate's instructions, passed an illegal order, which was set aside on appeal. Sir Charles Elliott has the courage to dismiss this case with the brief comment that "it seems probable that the District Magistrate did nothing beyond what was expedient and for the public good." It is, apparently, for the public good that a superior officer should instruct his subordinate to violate the law. Another flagrant example is supplied by case No. 3. A Magistrate directed his Subordinate to sentence an accused person, then under trial before him, to the maximum punishment allowed by the law. This was a tolerably clear intimation that the Subordinate was to begin by finding the accused guilty. But Sir C. Elliott sees nothing improper in this. "Such an instruction," he quietly remarks, "may be expedient." The High Court, however, did not think so; as it promptly ordered the case to be transferred to the file of another officer, a conclusion to the story which Sir Charles has not thought worthy of notice. It may confidently be asserted that such counsel and guidance as were given by the Magistrate in these two cases would never be given by a Judge to his judicial subordinates; for a Judge may be trusted not to sacrifice justice to his own ideas of expediency.

So much for the "two definite propositions" of Sir Charles Elliott's article. Space limits will not allow me to examine in detail the cases quoted in Mr. Ghose's second pamphlet. I am not altogether sorry for this, for the pamphlet is a painful record of injustice, oppression, weakness, and folly. What, then, are we to think of a system under which these cases could occur, and what condemnation can be too severe for those who resist a reform which would make their recurrence impossible? Sir Charles Elliott, as might be expected, makes the most of the numerical argument. After all, he says in effect, there are only 20 or 21 cases in 20 years. Of course such bad cases as these are exceptional; if they were not, we should not be the rulers of India to-day. But the evil system, of whose working these cases are flagrant and outrageous instances, has been in operation all along, and is in operation now, to poison the springs of justice in the court of every magistrate in Bengal. These "horrid examples," of which Sir Charles Elliott speaks so lightly, are only types and specimens of hundreds more, in which similar injustice has been done, but there has been no publicity and no redress. And it is important to observe that recent instances show no signs of improvement. The case (No. 19) of the Rájá of Maimansingh, which occurred in 1892, is as bad as any of those which disgrace the earlier years of the series. It is clear that the disease is not dying out: it is necessary to stamp it out: and the time has come to apply the only remedy which will work an effectual cure.

But though I have not room to give a complete analysis of the cases, I must devote some lines to the excuses and apologies by which Sir Charles Elliott sometimes palliates, and sometimes boldly defends, the misdeeds of his clients, the District Magistrates. I will not pause to comment upon the cold cynicism of these remarks in the article, and the entire absence of any feeling of sympathy with innocent victims, who have suffered grievous wrongs. My opponent may say, and with perfect truth, that it was no part of his duty to indulge in sentiment. But the man is not to be envied who can peruse such a record as this without a blush of shame, or a throb of indignation.

Case No. 4 is summed up in the article with the remark that "this instance is altogether irrelevant to the issue before us: no injustice is shown to have ensued." The Magistrate, in this case, by an executive order, practically over-ruled a judicial decision, and then, when his illegal proceedings had been quashed by the High Court, issued instructions to his police which had the effect of setting aside the High Court's order, and depriving a number of

fishermen of their property, which was handed over to the Magistrate's lessee, this lessee being an officer of the Magistrate's court.

Similarly, in case No. 5, we are told that "it is not alleged that any injustice was done to any one." A respectable man, the dewan of a Rájá, was arrested under a warrant on an unfounded and utterly frivolous charge, and the hearing was prolonged, under the instructions of the Magistrate, till the accused had been compelled to expend more than Rs. 10,000 in costs and fees. But in this case, as in the last, no injustice was done to any one!

Cases 6 and 7 are bracketed together in the article as if they were identical, and Sir Charles Elliott "does not understand the object with which these two instances have been included in the Memorandum." In No. 7 the only hardship was that it was necessary to incur the trouble, expense, and delay of moving the High Court, before the Magistrate could be prevented from hearing the appeal in a case in which he had been the virtual prosecutor in the court below. This was a defect in the law; and the Magistrate, to do him justice, was quite willing that another officer should hear the appeal. But in No. 6 the Magistrate actually opposed the transfer of the appeal, on the ground that the transfer would injure his prestige as the District Officer. It is strange that Sir Charles Elliott should have overlooked this material difference between the two cases, and that he should not understand their inclusion in the Memorandum. It is surely clear that if the appeals had lain to the Judge, and not to the Magistrate, which is the reform for which we contend, the cases could not have occurred.

On case No. 9 the comment is that "the Magistrate here appears to be totally free from blame." The Government, as represented by the Legal Remembrancer, thought differently; for, to escape the scandal of having the matter threshed out in the High Court, it allowed the vindictive or[illegible]ers of the Magistrate to be set aside without att[illegible]pting to defend them.

No. 12 was a disgraceful instance of ill[illegible]lity and oppression; but Sir Charles Elliott urg[illegible] that the District Magistrate was endeavouring to [illegible]vent (as he believed) a serious breach of the pe[illegible], and in such circumstances a little technical irregu[illegible]ity may be overlooked. No doubt there [illegible]er of a riot; but the decision of the Sessio[illegible] makes it perfectly clear that the only rioters w[illegible]e Magistrate and his party. The accused perso[illegible] who had committed no offence whatever, were eventually acquitted; but this was after they had bee[illegible] kept in custody for more than two months, bail h[illegible] been illegally refused them, and after their c[illegible] the disputed land had been destroyed. [illegible]ite clear," said the Judge, "that, from fir[illegible]t the Magistrate was trying to do was to restore possession to the factory. This he had no right to do." These unfortunate men were illegally arrested, illegally kept in jail, and half-ruined by the destruction of their property: and this is what Sir Charles Elliott calls a little technical irregularity.

Case No. 15 was disposed of by the Lieutenant-Governor (Sir Stuart Bayley) in a Resolution which declared that there had been a grave misuse of judicial authority. Sir C. Elliott observes upon this, "I do not understand that this phrase was meant to apply to the District Magistrate himself." This is a surprising remark in face of the fact that the Resolution goes on to say, in words which Sir C. Elliott would do well to lay to heart, "The whole case is a striking illustration of the danger and inconvenience of the union of executive and judicial functions in the same officer, when that officer happens to be indiscreet and intolerant." The indiscreet and intolerant officer was no other than the District Magistrate himself; and the case originated partly in his arbitrary temper, and partly in his religious prejudices. To the persons who were harassed, threatened, arrested, fined, and imprisoned in the course of these proceedings, which extended over six months, it would be a poor consolation to be told that the matter was really of no importance, as it merely "involved the personal equation of the Magistrate." Sir Charles Elliott is mistaken in adding that the Magistrate could have acted just as he did, if the separation of his judicial from his executive functions had been carried out. He could not, in that case, have instructed the Deputy Magistrate to take action under Sec. 144 of the Criminal Procedure Code, nor could he have sanctioned a prosecution under Sec. 193 of the Penal Code.

He is mistaken again in his comment on No. 17, where he charges Mr. Ghose with error in quoting this case as an instance of irregular conduct by a District Magistrate. The only error is his own. Mr. Ghose nowhere says that the officer was the District Magistrate. The abuse which Mr. Ghose is combating lies in the union of the two functions in the same officer; and whether that officer is the District Magistrate, or a Magistrate in charge of a subdivision, makes no difference to the argument.

But these mistakes are trivial compared with the astonishing statement made in the penultimate sentence of the article, that "in all these cases, except one, the acceptance of the reform urged upon us would have failed to remedy the injustice which was done." The excepted case is No. 1 in Mr. Ghose's list. Even if the proposed reform were confined to depriving the District Magistrate of judicial powers, there are at least four other cases (Nos. 6, 7, 10, and Jitoo Lall's case in No. 12) in

which it would have been effectual. But the claim of the reformers, as I have already pointed out, is not limited to this. It extends to a complete severance, in officers of all classes and grades, between judicial and executive powers and functions. Sir Charles Elliott cannot plead ignorance of this; for, as he has criticised and condemned Mr. Romesh Chunder Dutt's scheme, he must be presumed to have read it; and in that scheme the nature and extent of the proposed reform are clearly and fully explained. This being so, I assert with confidence that not one of the cases in Mr. Ghose's list is irrelevant to the issue; that each and all of them would have been rendered impossible if the reform for which we contend had been carried out; and that, from the day on which that reform shall be enforced, such cases will cease to occur. This is not the place to discuss Mr. Dutt's proposals: I will only say, speaking as one who has had many years' experience as a Bengal Magistrate and Collector, that I believe that they are perfectly feasible, that they could be realised at a trifling cost, and that they would have a most salutary effect.

Sir Charles Elliott has thought it seemly to stigmatise one of Mr. Ghose's narratives as inaccurate and disingenuous. Whether these epithets would not be more fitly applied to his own article, is a point which I am contented to leave to the judgment of his readers.

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## II.—By Sir John B. Phear,

*Late Chief Justice of Ceylon.*

A clever and astutely written article by Sir Charles A. Elliott on "The Separation of Judicial from Executive Power in India," which appears in the October number of the *Asiatic Quarterly Review*, deserves and will doubtless command serious attention on the part of all who have at heart the welfare and good government of our Indian fellow-subjects. It proposes at the outset to show (1) that the existing combination of judicial and executive powers in the hands of the District Magistrate has great merits and advantages; (2) that it in no way trenches on the judicial independence of the Subordinate Magistrates; (3) that there are weighty arguments against its modification besides those which arise from financial considerations; and (4) that no valid proof has been adduced of any evil arising from it.

The writer establishes the first of these four heads in a very summary fashion by the simple statement that—

"The keynote to our success in Indian Administration has been the adoption of the Oriental view that all power should be collected in the hands of a single official, so that the people of the district should be able to look up to one man, in whom the various branches of authority are centred, and who is the visible representative of Government."

The insinuation here that the system of administration of government under British rule in India owes its success to the fact that it has been moulded on Oriental lines, and is therefore specially suited to the genius and liking of the people, is certainly adroit. And to question the correctness of so agreeable an hypothesis might be deemed something worse than unpatriotic. Still it certainly is possible to find adequate causes, other than this happy approach to the result of a natural selection, to account for the centralised and autocratic form of the existing system of local administration. And as regards the administration of justice in particular, while assuredly it is not to countries governed according to "Oriental views"—Turkey for instance—that one would go for patterns of excellence, it is shown by the breadth and force of the long growing movement, against which the writer opposes all the weight of his personal authority, that it is precisely in this department that the autocratic government of the District Magistrate fails to secure the confidence of the governed. So much for the argument of success by reason of conformity to Oriental precedent.

To illustrate the thoroughness with which the governing Oriental principle has been applied, the article proceeds:

"The Police Department, the Engineer Department, the Forest Department, the Education Department, the Sanitation Department, have all as they grew up tried to shake themselves free of the District Magistrate, but have been replaced in their proper position by such Lieutenant-Governors as Sir G. Campbell in Bengal, and Sir John Strachey in the North-West Provinces—not so as to cripple the power of the experts in each department, but so as to collect all the threads of government in the District Magistrate's hands, enabling him to use the knowledge of all for the purposes of each."

This is a very charming picture of happy family rule under a central benevolent autocrat. And we marvel at the folly of the little wandering sheep who atte[illegible]pted to stray beyond the reach of their ever-wat[illegible]ful shepherd! But in the very next line we meet [illegible]th a remarkable and significant exception to the [illegible]iversality of the District Magistrate's authorit[illegible]

"In ju[illegible]al matters the more responsible duties of Sessions Trials a[illegible] the technical work of Civil Justice"—(a delightfully co[illegible]el[illegible] phrase, by the way)—"have been placed in the hand[illegible]strict Judge"—(who, it should be here remembere[illegible] District Official co-ordinate with and independent of [illegible] District Magistrate)—"but there still remains under the I[illegible]trict Magistrate's orders the body of Subordinate Magistrate[illegible]s, who dispose of the simple criminal cases and commit [illegible]e graver to the Sessions, and the reasons which have be[illegible]ated above apply with great force to the retention of th[illegible]dination."

[illegible] quite easy to gather from the article [illegible]sons here referred to specifically are,

except so far as they can be summed up, so to speak, in the one object of collecting all the threads of government in the District Magistrate's hands; but the value of this particular thread must assuredly be small, seeing that admittedly it does not extend beyond the disposal of the simple criminal cases, while all the rest of the Department of the Administration of Justice within the district is excluded from the province of the District Magistrate, and entrusted to an officer who is entirely independent of him.

The writer of the article, without pursuing very closely the division of the text with which he set out, proceeds next to deal with the objections, which, he understands, are made by the Congress Party and Mr. Manomohan Ghose

"to two items in the District Magistrate's position: one is that he, being the executive head of the district, with direct control of the police, has the power of trying cases himself; the other, that Subordinate Magistrates, who try the great majority of cases, receive orders from him and look to him for such reports on their conduct and capacity as may expedite their promotion."

The first of these items he in effect gives up at once, for he admits, with regard to it, that "the District Magistrate does, as a matter of fact, try so few cases that no very serious evil would ensue if he did not possess the power." But he goes on to mention some grounds on which he thinks "it is well that he should retain this power," adding, "it is occasionally useful that he should take up an important and difficult case to set an example to his subordinates of the proper way of dealing with it." And finally covering his retreat with a fervid and indignant peroration, of which Mr. Manomohan Ghose will doubtless feel the convincing force, he exclaims:

"There is no real distinction in kind between the action taken before and after the trial. The police-officer is exercising a sort of judicial capacity, when he decides whose story he shall believe and which of two clues he shall follow up; the magistrate exercises a similar capacity when he believes or disbelieves the witnesses who appear before him on the Bench. To say that weak evidence will appear strong [illegible]im because he heard it before the trial, or that he canno[illegible]te the force of new evidence because he did not hea[illegible]nwarranted. To say that he will be so possessed [illegible]sion of the hunter as to be incapable of listeni[illegible]y evidence in favour of the hunted, is a hypothe[illegible]by general experience or by knowledge of any [illegible] sides of human nature."

We thus learn that the police inve[illegible] previous to trial, and the trial which follow[illegible]reon, are properly not distinct things, but ar[illegible] one proceeding—the same in kind throug[illegible]d it naturally follows that it must be an ad[illegible] the officer who is charged with the [illegible] of judicially deciding a criminal [illegible] the conduct of the police enq[illegible]nce-ment. On this principle it see[illegible] that

the metropolitan police magistrates are an expensive and unnecessary luxury, and that in the interest of economy and justice they ought to be got rid of, and Scotland Yard to be entrusted with the disposal of their work. Perhaps it is wrong to attach any serious or definite meaning to this rhetorical utterance, but if it in any degree vaguely represents a view common to District Magistrates relative to the methods and rules of the English judicial trial, and the principles on which they rest, we can only conclude that the sooner these officers are relieved of the responsibility of haviug to set an example to their subordinates of the proper way of dealing with an important and difficult criminal case, the better for all concerned.

The more important item, however, of the District Magistrate's power is—so the article tells us—the second of the two items before mentioned by him—namely, his power of control over the Subordinate Magistrates, to be so exercised, it is admitted, as not to interfere with their judicial independence. Many illustrations are given of the sort of control which may be usefully exercised over, and of orders which may be given by, District Magistrates to their Subordinate Magistrates, without affecting the judicial independence of the latter. Prominent among them we find the following:

"If the order related only to a matter of procedure, as, for instance, if it directed a postponement of the case till fresh evidence, known to be on its way, could be produced; or even if it related to the penalty to be inflicted in the event of conviction, pointing out that certain classes of offences had become frequent and needed to be put down by severe punishment, or the reverse, then it cannot be asserted that any one suffered injustice."

Whether or not any one in such a case suffered injustice by reason of the District Magistrate's order, must depend upon the facts, whatever they were, and cannot be determined without knowledge of them; but obviously each of the alternatives here indicated is a gross interference with the functions of the Subordinate Magistrate responsible for the proper trial of the case, and directly affects his independence in the exercise of his judicial discretion. When, therefore, we find argument so essentially unsound as this employed to maintain the second item of the District Magistrate's power, we are justified in the conclusion that the case made out for it is even weaker than that for the first, in respect of which it is expressly stated in the article that no serious evil would ensue if the District Magistrate did not possess it.

This is not the place for a dissertation on the merits or demerits, or for an explanation, of the English method of trial and judicial determination of fact through the action of a competent and expert court, which, with certain exceptions, must be informed as to the facts solely through the oral

testimony of eye-witnesses, produced and tested before it by fitting examination and cross-examination on behalf of the parties. It is, however, of importance to bear in mind that in a criminal case one of these parties is nominally the Crown, and in reality the police authority. It goes therefore to the very root of the security for fairness and equity in the decision of the court, which is so carefully aimed at and provided for by the system, that the police authority should have immediate control over the presiding officer.

Probably the writer of the article before us, and those who share his views, are not accustomed to pay much consideration to this ingredient in the matter. Still, after all, it is through the English system of trial, and by the application of its principles, and not by any Oriental or patriarchal method, that justice has to be administered in India. Nor is this any new thing. In principle it dates from the time of Impey; it is established and prescribed in considerable detail by legislative enactment on procedure and evidence, and it may be said to have become an accepted institution of the people. And nothing is more certain than that it is of the essence of the English system that the court of trial should, in its whole action, stand absolutely apart from and free of subordination to the prosecuting or police authority, and should be in no degree under its influence.

If the yonnger and less experienced judicial officers are not fully equal to the duties of their posts, and require instruction or guidance in regard to them, it can surely be nothing more serious than mere matter of arrangement and money to provide these within the Judicial Department itself. At any rate, the District Magistrate does not appear from this article to be—and, indeed, his character of Chief Constable of the District prevents him from being—the best, or even a fitting quarter, in which to seek them.

A large portion of the article is devoted to the examination of a considerable number of cases, which have been put forward by Mr. Manomohan Ghose, and others, as examples of ill consequences attributable to the District Magistrates' power of control over the Subordinate Magistrates; and they are all made to emerge from the process in such a trivial shape, that one wonders how it ever could have happened that anyone should be deluded into paying them any serious attention, and strangely enough, too, it is discovered that very few of them are relevant to the purpose for which they have been cited.

The way in which this end has been achieved, and the value of the results arrived at, may be judged of from the two following instances taken from the article:—

"No. 2. A District Magistrate ordered certain persons to be prosecuted, and after the trial had begun before one Subordinate Magistrate, he transferred it to the file of another. The suggestion is made that he did this because he believed that the first Subordinate would acquit, but no grounds for this suspicion are given. The men were convicted, but the conviction was annulled by the High Court, who held that the Magistrate had no legal power to transfer the case. This instance fails to prove anything except a technical irregularity on the part of the Magistrate."

The facts of this "No. 2" are given at some length in Mr. Ghose's Memorandum, to which this abbreviated version refers, and are not here denied or disputed in any particular. It is impossible to read them without a blush of shame at the high-handed proceedings of the District Magistrate, and his straining of the power possessed by him over the Subordinate Magistrates, beyond its proper limits, purely in the interest of a personal friend who had broken the law, and to the grievous prejudice of the unfortunate villagers. The crying injustice of the case led to the interference of the Lieutenant-Governor of that time, and the whole of Bengal was excited by the scandal. Yet we have it here that this instance proves nothing except a *technical irregularity* on the part of the magistrate!

"No. 17. A land dispute had been depending for some time between two rival zemindars, neither of whom would give way. The sub-divisional officer, seeing that the dispute would lead them into great outlay, and might end in a breach of the peace, called in the two rivals and locked them up in his room till they settled their quarrel amicably; and when after a few hours they came to terms, he reduced their agreement to writing and jocosely told them that if either went back from his agreement he would have to pay a sum of money to the Dufferin Fund. Unfortunately, one of them did repudiate the agreement, and the High Court held that it could not be maintained as it was signed under compulsion, and censured the sub-divisional officer. I held that he certainly had acted in an extra-legal rather than a legal manner, dealing more as a schoolmaster with two boys, or a father with two sons, than as a magistrate—putting a half-humorous compulsion upon them for their own good, and that his motives were wholly laudable."

There is little need to amplify this version of the case by rec[illegible]rse to the fuller details of it which are given in [illegible]Manomohan Ghose's memorandum. Sir Charl[illegible] account of the matter speaks eloquent[illegible] The "rivals" who are locked up by t[illegible]nt official in charge of the subdivisior[illegible]y themselves until they settled their [illegible] amicably, are two co-sharers of certa[illegible] property, and their "quarrel" is a serio[illegible]spute between them as to the extent of thei[illegible]pective legal rights in the property. The "e[illegible] rather than legal manner" of action of [illegible]divisional officer, and "half-humorous co[illegible]on the zemindars for their own good," are [illegible]es. Let us hope that the victims of [illegible]ppreciated its humour. Unfo[illegible] Charles Elliott's own word), the [illegible] its judgment, expressed its

"unqualified disapproval of the conduct of the sub-divisional officer in the matter," and took the unusual step of ordering a copy of its judgments to be forwarded to the Local Government. What the Lieutenant Governor thereupon thought and did in regard to the proceedings of his subordinate, Sir Charles Elliott's explanation now tells us; and we are, at least, in the position to admire the keenness of that high officer's sense of humour.

These two instances sufficiently illustrate the character of the criticism by which the cases of Mr. Ghose's Memorandum are individually dealt with in the article, and assumed to be demolished, and in each of them we find as in almost every other page of the article ample evidence to demonstrate how greatly the possession of uncontrolled executive power operates to disqualify an officer for the unbiassed and orderly exercise of the judicial function, as well as for the direction of others subordinate to him in the discharge of their judicial duties. Indeed, it is not extravagant to say of the entire article, its last paragraph notwithstanding, that it leaves the case which it attacks even stronger than it was before, and makes bare the inherent weakness of the arguments by which the continuance of the existing system is defended.

No doubt it is convenient to the Central Authority of Government and largely conducive to the smooth and efficient administration of public affairs throughout the country, that it should have a single Agent, rather than a plurality of Agents, in each District, endowed with large executive power, and having the strings of all the local departments of administration in his hand, to serve as the channel of necessary communication and direction. But this reason of governmental convenience and expediency by the nature of the case does not extend to the province of the courts of justice; and as a matter of fact only the lesser local courts of criminal justice are to any extent within the Government Agent's control. The Article assures us that it is "not in a vague term like prestige" that the argument for this limited control is based. And we cannot but feel that the proper designation of the cause, to which should be attributed the extraordinary reluctance that is manifested by Executive Officers to part with this small measure of control over the courts, is af[illegible] left unsatisfactorily obscure.

III.—By Professor [illegible]

The difficulties of the [illegible] of judicial from executi[illegible] unhappy illustration i[illegible] Sir Charles Elliott to t[illegible] of the *Asiatic Quarterl[illegible]* article is of fine, old, m[illegible] quality; and the writer's attitude to Mr. Manomohan Ghose, whose statements and views he criticises, materially assists one in realising the unfortunate relations between Anglo-Indians and Indians, which cause so much friction as even to threaten danger to the Imperial rule. No doubt this tone and this attitude are unconscious—a sort of second nature—and this very fact is gravely significant. Sir Charles Elliott is confident that the combination of executive and judicial functions, so far from being a mistake and a source of injustice and oppression, "has great merits and advantages, that it in no way trenches on the judicial independence of the Subordinate Magistrates, that there are weighty arguments against its modification besides those which arise from financial considerations, and that no valid proof has been adduced of any evil arising from it." Accordingly, he endeavours to demolish the specific cases adduced by Mr. Ghose. Mr. Ghose is well able to speak for himself, but that fact need not preclude an independent consideration of the points in dispute.

Mr. Ghose has always been most careful to base his statements upon his own personal and professional experience. No man, outside the circle of Anglo-Indian officialism at any rate, will deny that his opinion is entitled to serious and respectful consideration, or will feel justified in suspecting that he is actuated by any motive except regard for the purity of the administration of justice. He is careful to point out that the object of his attack is, not individual officers, but the *system*. And what does he say?

"The feeling of the thinking portion of my countrymen," he says in the January number of the *Asiatic Quarterly Review*, "is that justice was, on the whole, never better administered in India than at present. This even-handed justice in all courts is the main cause of our contentment, happiness and loyalty."

"On the whole;" but there is a defect crying for remedy—a defect in the administration of the criminal law. "So far as the Government, the policy of England, and *even the majority of officials* are concerned, there is *no desire to unduly interfere*, but *the system works in such a way that the result does affect judicial independence*"—particularly in the case of the Subordinate Magistrates. "It may not be done intentionally, it may be through ignorance, but the effect of the interference is to make the Subordinate Magistrates feel that they have no discretion and no judgment of their own." The tendency to assimilate judicial to executive action on the part of the duplex officers is most natural, and might easily account for improper interference, quite unintentional as well as intentional. Mr. Ghose gives an instance of interference, adding the remark, "This sort of thing is of almost daily occurrence;" which may be taken to mean that criminal

counsel are perfectly familiar with such cases. Mr. Ghose refers to cases that he himself brought up to the High Court, with the result that the conviction was quashed. "Such a state of things," he adds, "causes much heart-burning among the people, who say, 'We cannot get justice.'" Again:

> "Native magistrates, many my personal friends, have privately shown me documents which they could not make use of while in the service, asking me whether there was no remedy to a state of things which compelled them to decide a case as directed, or be told that they were insubordinate."

As regards even District and Sessions Judges, who are subject only to the High Court, "of late years," says Mr. Ghose, "there has been a tendency on the part of the executive to interfere indirectly even with their independence. District judges have recently complained bitterly of it." Why, the evil influence has even penetrated to the highest places. "The Bengal Government, or its secretary, only a short time ago published a resolution in the *Calcutta Gazette* censuring the Judges of the High Court for certain decisions they had given?" Well may Mr. Ghose, a trained and experienced lawyer, exclaim: "The idea of a secretary in a Government office censuring Judges!" Mr. Ghose concludes that the tendency of the system must be to demoralise even young English officials whose training has been "in a purer and healthier judicial atmosphere," while the effect upon native officials "is simply disastrous." Here is a large and most serious indictment. It is preferred, on personal and professional knowledge, by the foremost criminal lawyer in Indian practice. It demands a serious answer—either refutation or remedy. Sir Charles Elliott offers a refutation. What does that attempted refutation amount to?

It would be irrelevant to disarrange Sir Charles's rotund periods about "the keynote of our success in Indian Administration" and "the rulers who best understood the wants of the country." All this sort of superior assumption is eminently disputable. Anyhow, the personal opinion of an autocratic official is not to be taken for solid fact; and Sir Charles Elliott may be counter-balanced by Sir Lepel Griffin, who has publicly declared that, in his opinion, "there would be no inconvenience"—to say nothing of friction or danger—"in placing the whole of the Subordinate Magistrates under the Judge, and not under the Magistrate of a District." The passage that Sir Charles quotes from Sir John Strachey has the vice of proving a vast deal too much. It comes to this: that to restrict the Magistrate to executiv[e] functions solely would be "to deprive him of those powers which alone enable him to maintain his position as the local representative of Government." The argument means just this, if indeed it mean[s] anything honestly definite. In fact, the Magistrat[e] would suffer in prestige. Sir Charles Elliott, [illegible] course, regards any interference with "judicial independence" as unjustifiable; and by "judicial independence" we take him to mean the absolute freedom of the Judge from control or influence in respect of the justice of any case that comes before him, and probably also any action of an executive official calculated to affect in any way the just determination of a case. Such, too, we apprehend, is Mr. Ghose's interpretation of the expression, though Sir Charles affects to sneer at Mr. Ghose's use of it. However, assuming that the right of executive interference is so limited, we venture to think that it will be no easy task to convince independent observers that the taking away of it would in the slightest degree affect the power of the Magistrate "to maintain his position as the local representative of Government." Without any such right, the Magistrate could perfectly well "collect all the threads of Government" in his hands so as "to enable him to use the knowledge of all for the purposes of each." Again, it may be advantageous for a young judge to receive hints of experience from a veteran in the service. But we are very well satisfied that, if young judges cannot be decently fitted for their duties before appointment, they should receive their lessons from the superior judges on appeal, and, if they are hopelessly backward, be dealt with by the Government on reports of superior judges that have sat on their judgments on appeal, or on local representations voicing popular dissatisfaction.

> "The opponents of the system," says Sir Charles Elliott, "draw the picture of an officer who, because he has to some extent supervised and guided the police operations which end in the arrest of an accused person, becomes so biassed that he is unable to weigh aright the evidence which is produced on the trial."

Just ask an Englishman to combine in the person of the most estimable of police officers the functions of head constable and judge of his prisoners! Be the officer ever so honest, the suggestion need but be uttered to be scouted. Not a man in England would trust the two offices to the Lord Chief Justice—nor even to Sir Charles Elliott.

With regard to the class of cases just referred to —wh[illegible]ere the executive head of the district, with di[illegible]ntrol of the police, tries cases himself—Sir [illegible]its that such cases are so few "that no [illegible] would ensue if he did not possess [illegible] exceptional cases could easily be [illegible] and the only argument of [illegible]eady noticed—namely, that [illegible]nces committed by Euro- [illegible]magistrates, that suspicion [illegible]t forbid political *causes* [illegible]es, and that a lesson to a [illegible]useful—are too trivial to

dwell upon. The real question lies with the other set of cases—those that come before the subordinate magistrates. Apart from the financial argument (which Sir Charles does not discuss), and the argument from the concentration of the threads of the different branches of Government in a single hand (which we have dismissed as valueless), Sir Charles Elliott relies on just one proposition more (the first half of which has also been dismissed as valueless), namely:

> "that the subordinate magistrates derive great benefit from the advice and guidance of an experienced senior when they are young, and from the inspection of a peripatetic officer whether they are young or old, and that the substitution of the control of the judge for that of the district magistrate would defeat these ends."

The judge would not be peripatetic; still, if it is impossible to get the work done by the younger officials without inspection, we do not see why peripatetic judges should not be told off to go on circuit. Fundamentally, however, we are exceeding sceptical about the value of this peripatetic inspection. So long as the record of every case can be called up by the superior judicial authority, and commented on fully and freely by technical experts, it is hard to see that an executive inspection is so utterly indispensable as to stand permanent in spite of professional and popular dissatisfaction with the practical results.

Sir Charles Elliott deals briefly with the cases cited by Mr. Ghose both in his *Asiatic Quarterly* article and in his Memorandum. To discuss each of these cases is manifestly impossible here; but some remarks upon them are necessary. First, however, we must notice a sentence of Sir Charles's, which seems intended to cast general discredit on Mr. Ghose's cases:

> "The article," he says, "contains a good deal of vague assertion, such as 'the people say, We cannot get justice,' an assertion which can neither be proved nor disproved, but which is opposed to the experience of almost every careful and unprejudiced observer who has visited or resided in India."

Then, on Sir Charles's own statement, there are, after all, at least some "careful and unprejudiced observers" whose experience agrees with Mr. Ghose. We take exception to the allegation that Mr. Ghose's article contains a good deal of, or indeed any, vague assertion; and the example given by Sir Charles Elliott has been quoted above in its actual connexion. Mr. Ghose is evidently speaking as to his own experience, and such experience would afford not inconsiderable grounds even for a large generalisation, though it does not seem to us that he intends to generalise. If he really means people in general, then it is a mere quibble to say that the assertion "can neither be proved nor disproved." If a counsel in large practice for a quarter of a century says that such and such is his experience, there must be something in it that demands attention; it is exceedingly unlikely that the experience is unique. No doubt Sir Charles Elliott is a "careful and unprejudiced observer," and his official eyes have seen nothing of the kind. But what does that prove against Mr. Ghose? And how much is a Lieutenant-Governor permitted to see? And how much of that modicum does the prejudice of class and office lead him to ignore?

Besides the impossibility of dealing with Sir Charles Elliott's criticism of Mr. Ghose's cases individually, from sheer lack of space, there is the further difficulty of lack of information as to details. No doubt Mr. Ghose will furnish a fitting answer in due course. But take the first case. This is a case where a Deputy Magistrate, trying it, "said to Mr. Manomohan Ghose that he must do so and so because he had received instructions to that effect from the District Magistrate." Sir Charles Elliott complains that Mr. Ghose "has chosen to keep us in the dark" on the point of the whole case—namely, the exact terms of "must do so and so." What is "so and so"? "If," says Sir Charles, "it interfered in any way with the Deputy Magistrate's judicial discretion . . . . then it was indefensible, and Mr. Ghose would have scored a real point if he could have asserted this. But if the order related only to a matter of procedure, . . . . then it cannot be asserted that anyone suffered injustice." But what was the case adduced for, except that, in the judgment of Mr. Ghose as a criminal lawyer, the instruction *did* interfere with the Deputy's judicial discretion? Is Mr. Ghose to be set down as either a fool or a knave? Sir Charles knows better. Take the second case. The accusation was against the District Magistrate for thrashing a native, and the Deputy Magistrate, "without putting a single question, wrote on the complaint: 'The case is manifestly false. I dismiss it, and I call upon the complainant to show cause why he should not be prosecuted for bringing a false charge'." The District Magistrate, on hearing of the charge, at once admitted it, alleging great provocation. Sir Charles Elliott says he had personal knowledge of the case, and explains that the Deputy had just returned from some three months' leave, necessitated by "cerebral derangement" resulting from overwork and exposure. The Deputy was, therefore, irresponsible. His action in the case, the Chief Secretary to Government wrote officially, "is in the Lieutenant-Governor's (Sir Charles Elliott's) opinion inexplicable, except on the hypothesis that his mind has not yet regained its equilibrium." This *may*, possibly, be the true explanation. But *is* it so? How should Mr. Ghose know? Did an official, or any, surgeon certify it? Sir Charles must be aware that there are people perverse enough to adopt other explanations no less probable. The ebullition of the

Deputy, in any case, conforms in a remarkable way to the general allegations in India as to the attitude of Anglo-Indians to Indians, and as to the relations of Subordinate Magistrates to their superiors. Enough. Let this sample suffice here. We venture to believe that we have said enough to justify readers of Sir Charles Elliott's article in holding judgment of its criticisms in suspense until Mr. Ghose—if he think it worth while—answers them in detail. More than that, if the reader will refer to the points of Mr. Ghose's indictment, briefly set forth above, he will see that there remain most serious allegations untouched by Sir Charles Elliott's polemic.[1]

## OUR LONDON LETTER.

At a special meeting of the British Committee of the Indian National Congress, held at the offices, 84 and 85, Palace Chambers, Westminster, on Friday, October 23rd, and attended by Sir W. Wedderburn, M.P. (chairman), Mr. W. C. Bonnerjee, Mr. W. S. Caine, Mr. J. P. Goodridge, Mr. H N. Haridas, Mr. A. O. Hume, Mr. Dadabhai Naoroji, Mr. H. J. Reynolds, and Mr. W. Martin Wood, it was unanimously resolved, on the motion of Mr. Bonnerjee, seconded by Mr. Dadabhai Naoroji, that Mr. W. S. Caine be elected the delegate of the British Committee to the approaching meetings of the Indian National Congress at Calcutta. Mr. Caine leaves London on November 15th, and will sail by the "India." His proposed route in India is as follows: December 6—10, Bombay; 11, Gwalior; 12, 13, Agra; 14, Lucknow; 15, Cawnpore; 16, Allahabad; 17, 18, Benares; 19, 20, Dinapore, Bankipore, Patna; 21—31, Calcutta; January 2—16, Burmah; 20—25, Madras; 27, Sholapur; 28, Poona; 29, 30, Bombay; February 2—4, Karachi; 5, Multan; 6, 7, Lahore; 8, Amritsar; 9, Saharanpur; 10, 11, Delhi; 12, Jeypore; 13, Ajmir; 14, Ahmedabad; 15, Baroda; 16—20, Bombay, and sail for England.

In this connexion we may refer to the vacancy that has occurred in East Bradford, the constituency which was represented by Mr. W. S. Caine in the last Parliament, but which was regained by the Conservative party last year at the General Election. Mr. Caine had to decide between contesting the seat once more and going out to India to the Congress. Had the prospect of winning the bye-election been good, Mr. Caine might have felt it more important to get back to Parliament. But the party organisation locally had, we understand, been neglected, and an independent Labour candidate was in the field. Mr. Caine has therefore preferred to stand by his Indian engagements.

The two Blue-books (C. 8,258 and 8,259) which have just been issued as the "first report of the Royal Commission on the Administration of the Expenditure of India," contain 586 and 412 pages respectively. It will be remembered that the Commission was appointed on May 24th, 1895,

"to enquire into the administration and management of the military and civil expenditure incurred under the authority of the Secretary of State for India in Council, or of the Government of India, and the apportionment of charge between the Governments of the United Kingdom and of India for purposes in which both are interested."

The "report" proper occupies less than a single page. After reciting that the Commission began to hold sittings for the examination of witnesses on November 5th, 1895, and has since held 30 sittings, the report concludes:—

"We are not yet in a position to submit any recommendations upon the questions referred to us, but we think it desirable to lay before your Majesty, without delay, the evidence which we have hitherto taken."

The first volume consists accordingly of the minutes of evidence, introduced by a valuable analysis which fills some 44 pages. The evidence is divided into three sections dealing respectively with the financial machinery of the Government of India, the progress of expenditure, and the apportionment of expenditure in which both Great Britain and India are interested. For various reasons, we are informed, it was not found possible to complete the evidence in each section before taking up the next; but, with a view to keeping the sections distinct, the evidence relating to each head, even though not taken on consecutive days, has been brought together.

The second volume consists of appendices—that is, of documents handed in for the information of the Commission. These appendices, together with the evidence, contain a storehouse of information which, if not, like the history of Thucydides, a "possession for ever," will at any rate supply students of Indian affairs with much valuable information for many years to come. It is interesting to note that three of the most important documents printed among the appendices were put in by Sir William Wedderburn, M.P. These are a note on the Indian Budget of 1894-5, a note on Sir H. Waterfield's tables showing the progress of expenditure, and a memorandum putting into a convenient form the chief facts connected with expenditure during the past twenty years. We may add that the first and the last of these documents are dated from the office of the British Committee of the Indian National Congress.

Sir Robert Low, commander of the Chitral expedition, was one of those who, on October 22nd, were presented with the freedom of the city of St. Andrews. In the course of a subsequent speech he permitted himself to use expressions that we may well contrast with the words of another soldier who, as Sir Robert Low will doubtless admit, enjoyed some reputation in India:—

| Sir R. Low. (St. Andrews, October 22nd, 1896.) | Lord Roberts (House of Lords, July 20th, 1894.) |
|---|---|
| "It was well to recollect that they had won India by the sword, and that they held it by the sword, and if necessary they were prepared to defend India by the sword." | "The extraordinary position we occupy in India is mainly due to the natives' firm reliance on our integrity and honesty of purpose, and on our determination to do what is right and best for them. . . . Our army in India is altogether out of proportion small to the extent of frontier which it has to guard, the enormous area over which it is scattered, and the population which it is supposed to control." |

[1] A further article, by Mr. J. Dacosta, on this subject is printed at page 341.

# NOTICES.

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# INDIA.

LONDON, NOVEMBER, 1896.

## LORD WELBY'S COMMISSION.

The Royal Commission which, thanks to the persistent efforts of the Indian Parliamentary Committee, was appointed in May of last year to enquire into "the administration and management of the "military and civil expenditure incurred under the "authority of the Secretary of State for India in "Council, or of the Government of India, and the "apportionment of charge between the Governments "of the United Kingdom and of India for purposes "in which both are interested" has at length issued the first portion of the evidence laid before it. The two Blue-books, which were laid in "dummy" upon the Table of the House of Commons before the prorogation of Parliament, and which, taken together, contain nearly a thousand pages, have been published just as we are on the point of going to press. It is impossible, therefore, in the present issue of INDIA to do more than briefly indicate the general scope of their contents. At the same time we present to our readers, in a separate Supplement, the full text of that part of the evidence in which Mr. Dadabhai Naoroji, the "Grand old Man" of India, has had any share. It is the penalty of patriots like Mr. Naoroji to incur the fierce resentment of men who are equally incapable of appreciating their motives and of weighing their arguments. It was, therefore, to be expected that Anglo-Indian journalists of the baser sort, whose imaginations are not to be handicapped by mere facts, would distort and misrepresent the work of Mr. Naoroji, the Royal Commissioner, as they distorted and misrepresented the work of Mr. Naoroji, the member of Parliament. Every politician who does his duty fearlessly must run the risk of this kind of horseplay, and nobody could run it more cheerfully than Mr. Naoroji, whose indomitable perseverance, quiet sincerity, and nobility of purpose have, we do not hesitate to say, been a source not merely of admiration but of inspiration to many of the Englishmen of his acquaintance. Our Supplement, which is reprinted from the Commission's reports, is issued, therefore, not so much for the confusion of Mr. Naoroji's enemies as for the information of his friends. We may add that at a later stage in the proceedings of the Commission Mr. Naoroji will be called as a witness. This step is not only necessary to give authority to the important documents which Mr. Naoroji has handed in, but is eminently desirable in itself in view of his special knowledge and ripe experience.

The two volumes which Lord Welby and his colleagues have now issued are officially described as the "first report". But the report itself does not fill a whole page out of the thousand. The substance of it is contained in the single sentence: "We are not yet in a position to submit any recom-"mendations upon the questions referred to us, but "we think it desirable to lay before your Majesty, "without delay, the evidence which we have hitherto "taken." This, it must be admitted, is a disappointing announcement. Indian questions "in "the lump" are so large and so intricate that every investigation of them is in danger of proving fruitless unless it disposes of the subject-matter piecemeal. This danger, which has been signally illustrated by the past history of Parliamentary enquiries into Indian affairs, led us at an early stage to express the hope that Lord Welby and his colleagues might find themselves able to issue *interim* reports upon the respective "watertight compart-"ments" of the whole question referred to them. The adoption of this method seemed to have been secured when the Commission mapped out the field of its enquiries in three main sections: (i.) Financial Machinery; (ii.) Progress of Expenditure; and (iii.) Apportionment of Expenditure. The evidence which is now issued extends more or less, it is true, over all these sections. But it is concerned chiefly with the first—the question of financial machinery, which one would think it almost exhausts. We under-

stand, however, that the preparation of an *interim* report upon this first section has been postponed on the ground that two or three important witnesses, who have yet to be examined, are expected to have something to say to the question of machinery. If this is the case, it can only be described as an unfortunate accident. We are very far from agreeing with the premature pessimists who say that no good can come out of the Commission. But we do not, on the other hand, disguise from ourselves (1) the fact that the terms of reference were by no means those which the Indian Parliamentary Committee desired, nor (2) the danger that, unless some mode of working piecemeal be contrived, the facts brought out by the Commission may be buried alive under their own excessive bulk. These two volumes are not, it must be confessed, an appetising bait to the "average sensual man," and to have waited to accumulate this mass of matter before communicating with the public is to put a premium upon human frailty and indifference. It is considerations like these that inspired our protest against the Commission's original resolution to sit with closed doors —a resolution which, we are happy to think, it has now, however tardily, reconsidered.

## THE LIBERAL LEADERSHIP.

"OMNIUM consensu capax imperii nisi imperasset." If the epigram be not strictly applicable to Lord Rosebery, the fault lies in the word "omnium." Perhaps even if he had never become leader of the Liberal party, not quite everybody would have agreed that he was a fit and proper person for the post. What is certain is that between March 10th, 1894, when he became Prime Minister, and October 6th, 1896, when he announced in a letter to the chief Liberal Whip that the leadership of the party, so far as he was concerned, was vacant, Lord Rosebery disappointed the expectations of some of his admirers, while he incurred the unfavourable judgment of many sober critics. His retirement—the term "resignation" is hardly suitable—provided the newspapers with an absorbing topic for the greater part of a week. The silent acquiescence which has already superseded the excitement shows, rather pathetically perhaps, as Mr. Gladstone's resignation also showed, how easily a public figure fades into the shadow. It may well be, however, that this state of the atmosphere is not less favourable to a temperate survey of an important incident. Lord Rosebery's letter to Mr. Ellis left much to be explained. Three causes were mentioned for the grave step upon which the writer had determined—(1) "apparent difference with a considerable mass "of the Liberal Party on the Eastern Question," (2) "conflict of opinion with Mr. Gladstone," and (3) the fact that "scarcely from any quarter" did Lord Rosebery "receive explicit support." The letter added significantly that "this situation," except with regard to Mr. Gladstone, was "not altogether new." Obviously, therefore, it became necessary, as in the case of the Peloponnesian War, to distinguish the occasion from the cause. The distinction was pointed with sufficient clearness by Lord Rosebery himself in the eloquent, brilliant, and deplorable speech which he delivered at Edinburgh on Oct. 9th. That speech, far more effectively than his letter, "cleared the air." It showed that not merely on the Eastern Question, but throughout the field of foreign politics, Lord Rosebery differed fundamentally from the mass of the Liberal party in purpose, in outlook, and in mental attitude. It showed further that his position as titular leader of the Liberal party had long seemed even to himself untenable, especially because, to recall an earlier phrase of his own, the doors of the House of Lords "only open inwards." As for Lord Rosebery's attitude on the Eastern Question, the *Spectator* described him fairly enough as

> "sitting down groaning, but inert, with a confession that Britain has grown too fat ever again to make an exertion at the call either of civilisation or of her own honour."

Similarly Mr. Leonard Courtney, M.P., in an admirable letter which appeared in the *Times* of October 19th, wrote:—

> "What did Lord Rosebery say? He is full of indignation over Armenian horrors. He has seen particulars too foul to be made public. We have a right to interfere. But what then? We are distrusted, if not detested, by every European Power. And we are so weak with swollen Empire that we are under hostages for at least twenty years to come. The weary Titan has become a fat Falstaff, obese and floundering, gorged beyond digestion, incapable of action."

Liberals who desired not to provoke European war, but to give the Concert of Europe a "lead," were doubly disappointed that Lord Rosebery should urge such a conclusion at such a time. For they were disappointed to find that he regarded the British Empire as impotent, and they were also disappointed to find that, holding that view, he did not propose to remove the causes of impotence—"to purge ourselves," as Mr. Courtney put it, "of the causes of offence to "others and of weakness in ourselves"—but rather to dwell upon them as a basis of policy.

"I am ruminating," said Mr. Pickwick to Jingle on the coach, "on the strange mutability of human "affairs." When Mr. Gladstone, in June, 1886, referred to Lord Rosebery at Manchester as "the "man of the future," the promise of a distinguished career seemed to be assured. But it is interesting to note that some years afterwards—though before Mr. Gladstone's resignation—the author of a series

of remarkably witty and far-sighted articles on "Our Public Men" wrote in the *Daily News*:—

"There is one good reason—perhaps two—why Lord Rosebery should not succeed to the leadership of his party. He sits in the House of Lords, and he will be urgently needed in the direct conduct of foreign affairs. The spectacle of a Prime Minister in a small and perpetual minority of legislators, whose right to legislate his followers denied, would not be dignified. The combination of the Foreign Office with the Premiership is the worst that could be imagined, and means either no Foreign Secretary or no head of the Government."

When Lord Rosebery succeeded to the Premiership he ceased, indeed, to be Foreign Secretary. But, as he has himself admitted, his imprisonment in the House of Lords subjected him to disabilities which, grievous as they were when his party was in Office, proved intolerable in Opposition. There is no need to discuss rumours, which may or may not be malicious, charging Lord Rosebery's colleagues with disloyalty to their chief. Nor need we attempt to answer the delicate question how far a strong and capable statesman in the House of Commons is, or ought to be, debarred from competing with a nominal leader in the House of Lords. But we imagine that few will be disposed to dissent from the following propositions: that a considerable section of the Liberal party strongly disapproved of Lord Rosebery's leadership from the first; that, having become leader, he caused much disappointment and embarrassment to loyal Liberals by a series of unfortunate utterances, beginning with his speech about the "predominant partner" and ending with his remarks on the Armenian question; and that, nowadays at any rate, it must necessarily be a grave cause of discomfiture to any Liberal leader, however strong, to be cribbed, cabined, and confined in the House of Lords. Hence it was, we take it, that the news of Lord Rosebery's retirement, except as regards the moment and the ostensible causes of it, hardly seemed surprising; and the efforts of a certain section to reinstate him in the position which he had abdicated were speedily abandoned. The Executive Committee of the National Liberal Federation carried on October 14th a resolution which amounted to a decision that things must take their course, and, at this moment, that is without doubt the opinion of the overwhelming majority of the Liberal party.

Yet it would probably be untrue as well as unkind to say that Lord Rosebery has a brilliant future behind him. His speech at Edinburgh certainly does not leave the impression that it was intended to be its author's last word to active politics. In this connexion, let us turn again to the keen observer from whom we have already quoted:—

"It is not Lord Rosebery's wit, nor his information—which is not, after all, out of the way—nor his easy, genial, and gracious manners which interest people most in him. There is great charm in mystery, and Lord Rosebery, perhaps as a result of his friendship with Mr. Disraeli, rather affects the mysterious. It is not, however, mere affectation. Lord Rosebery's character is not a simple one, and his career may yet puzzle those who think they know him best."

It seems to us that there was very much both in the manner and in the circumstances of Lord Rosebery's retirement to suggest not merely that he will be heard of, but that he will have to be reckoned with, in the future. We seem, that is, to detect more than a trace of implied menace between the lines, which causes us earnestly to hope that the Liberal party will, so to say, consolidate its judgment without delay on many important matters, not the least important being what is sometimes called "Imperialism." Meantime, the question as to who should succeed Lord Rosebery has settled itself. His own reference to Mr. Asquith, like his earlier and curiously similar reference to Sir Edward Grey, belongs to a future which is comparatively distant. For the present, at any rate, Sir William Harcourt, the superlatively able leader of the Liberal party in the House of Commons, steps into the place which Lord Rosebery has vacated. The inevitableness of this succession was obvious at once to those who realised the exact situation that was brought about by Lord Rosebery's retirement. What Lord Rosebery did was to withdraw, not from any elective office, but from the vague and shadowy claims that are bequeathed to an ex-Premier by his expired Premiership. It has been well said that leadership of a party in Opposition is not an office at all, but a function. As, therefore, Sir William Harcourt was leader of the Liberal party in the House of Commons, and as no successor to Lord Rosebery as leader of the handful of Liberal peers could possibly supersede Sir William Harcourt in the estimation of the party, the leadership passed automatically to him—without, we may add, involving any fresh accession of substantial dignity or authority. The true test of leadership is, however, succession to the Premiership, which depends theoretically, indeed, upon the choice of the Crown, but really upon a Minister's ability to form a Cabinet and unite his party. The time for that test is not yet, and many things may happen before it arrives. But for the present, at all events, the Liberal party is led by a statesman who, as readers of INDIA may reflect with satisfaction, hates "Jingoism" and loves economy.

## WALTER PATER'S LAST WORK.[1]

The "sadness of farewell" that we feel when the news first reaches us of a great writer's death is repeated as we finish the perusal of his posthumous

[1] "Gaston de Latour: an Unfinished Romance." By Walter Pater. Prepared for the press by Charles L. Shadwell. (London: Macmillan and Co., Ltd.)

work, and realise, perhaps more vividly than before, the measure of our loss. Especially must this be the case when each book bears strongly the impress of the same individual genius, owes its charm to the same graces of style, or the same special gift of intuition and apprehension. Mr. Pater's last writings are not, as has so often happened with men of less power or less fortitude to bear success, inferior copies of his earlier work. Each of the volumes that came from the press during his lifetime, at long though decreasing intervals, had a character of its own and carried author and reader into fresh surroundings; yet in each the charm was essentially the same—every sentence, almost, was one that he only could have written precisely as it stood. And now we may add this further praise, with hearty thanks to Mr. Shadwell, his literary executor, for having carried out scrupulously what would certainly have been Mr. Pater's own wishes—that each of the three volumes published since his death (with the exception of a single unrevised chapter in this last, inserted to supply a necessary link) not only contains what the world will not willingly let die, but is as finely perfect, as free from signs of undue haste or want of revision, as the volumes that preceded. Let us hope that it will never be in the power of the strange species of hangers-on upon literature who prey upon fragments of forgotten manuscript, to detract from Mr. Pater's achieved perfection by the publication of what he himself would never have brought to the light. That kind of outrage upon literature is so serious, as well as so common, that reference to it is not wholly superfluous. But the particular degree of atrocity that would attach to it in this case can only be appreciated by those who understand what were Mr. Pater's methods of work. "I have known "writers of every degree," said Mr. Gosse in the interesting biographical study that he contributed to the *Contemporary Review* of December, 1894, "but "never one to whom the act of composition was "such a travail and an agony as it was to Pater. In "his earlier years the labour of lifting the sentences "was so terrific that any one with less fortitude "would have entirely abandoned the effort. I recol- "lect the writing of the opening chapters of 'Marius,' "and the stress that attended it—the intolerable "languor and fatigue, the fevers and the cold fits, the "grey hours of lassitude and insomnia, the toil as at "a deep petroleum well when the oil refuses to flow." It is worth while to recall Mr. Gosse's description of Pater's actual method:

"So conscious was he of the modifications and additions which would supervene that he always wrote on ruled paper, leaving each alternate line blank. On this broad canvas of alternate lines Pater would slowly begin to draw his composition, the cartoon of what would in time be a finished essay. In the first draft the phrase would be a bald one; in the blank alternate line he would at leisure insert fresh descriptive or parenthetical clauses, other adjectives, more exquisitely related adverbs, until the space was filled. might then be supposed that the MS. was complete. Far from it! Cancelling sheet by sheet, Pater then began to copy out the whole—as before, on alternate lines of copy-book pages; this revise was treated in the same way—corrected, enlarged, interleaved, as it were, with minute shades of feeling and more elaborate apparatus of parenthesis."

In Pater's case, at any rate, the definition of genius as "an infinite capacity for taking pains" was not so far from the truth as it sometimes seems.

But, of course, there was more in his genius than the taking of pains—first, and above all, that exquisite sensitiveness to external impressions that made it "almost physical pain" to him, we are told, "to be shown too much." This it is that gives their unique charm to his descriptions—his faculty for seizing and expressing those half-tones or subdued lights that the ordinary observer misses because they do not obtrude themselves upon him. "The "influence of cool places, quiet houses, subdued light, "tranquillising voices"—(the phrase is Mr. Pater's own, in a context that does not matter now)—we do not wholly miss the charm of these things, but the spell that they exert upon us becomes more intense from the day that we first read Mr. Pater.

"We're made so that we love,
When first we see them painted, things we have passed
Perhaps a hundred times, nor cared to see . . . .
Art was given for that."

It is not quite that; we did love these things before; but art makes us conscious of our love, and so deepens it for us. To each of Mr. Pater's sympathetic readers that happens, in some measure, which is told of his latest hero, Gaston de Latour:

"His new imaginative culture had taught him to value 'surprises' in nature itself; the quaint, exciting charm of the mistletoe in the wood, of the blossom before the leaf, the cry of passing birds at night. Nay! the most familiar details of nature, its daily routine of light and darkness, beset him now with a kind of troubled and troubling eloquence. The rain, the first streak of dawn, the very sullenness of the sky, had a power only to be described by saying that they seemed to be *moral* facts."

To this wonderful power of insight and interpretation were added other qualities. The range of his subjects was wide: early Greek religion, the native Italian religion, Plato and Platonism, Rome in Imperial times, the art and thought of the Renaissance, English poetry. The study that qualified him to write of all these subjects proved his "infinite capacity for taking pains" hardly less than his method of composition. And to treat of them all as profoundly as he did, he needed an intuition into the life and thought of other periods of history as subtle and penetrating as his intuition into the charm of certain aspects of Nature or of art. Once more, to the delicate sensibility of the eye must have been added an almost equally

delicate sensibility of ear. Without this he could never have attained the exquisite modulation of phrase which, even taken by itself, stamps his work as a new achievement in English prose. Mr. Gosse's claim that his friend's writings have "already become "part of the classic literature of England" is not too strongly worded. There are passages in "Modern "Painters" that soar to greater heights than Pater ever reached, and their careless magnificence carries the reader captive more easily and more completely than Pater's quiet and careful elaboration. Pater, moreover, came after Ruskin, it is only just to remember, and learnt much from him in his earlier stages, however widely he departed from his master's style and doctrine as he came to his own late maturity. But when all deductions have been made, and when it has been conceded that Pater's style often carries over-elaboration to the verge of obscurity, one may still hazard the prediction that Pater's prose will maintain, like Ruskin's, a secure place among the glories of Victorian literature.

"Gaston de Latour," the unfinished romance now published in book-form, was probably begun by Mr. Pater soon after the completion of "Marius." Five chapters appeared in 1889 in *Macmillan*, and another in the *Fortnightly Review;* one new chapter only is added, as has been already mentioned, to supply a necessary link between chapters five and seven. "The work, if completed," says Mr. Shadwell, "would have been a parallel study of character "to 'Marius the Epicurean;' the scene shifted to "another age of transition, when the old fabric of "belief was breaking up, and when the problem of "man's destiny and his relations to the unseen was "undergoing a new solution. The interest would "have centred round the spiritual development of a "refined and cultivated mind, capable of keen en-"joyment in the pleasures of the senses and of the "intellect, but destined to find its complete satisfac-"tion in that which transcends both." A writer in the *Athenæum* states, as a fact of personal knowledge, what Mr. Shadwell suggests as a possibility, that the author was himself dissatisfied with the framework which he had begun and deliberately abandoned it. As the interest lies not in the plot, but in the men[tal] history of an elect soul, or in the picture o[f] conflict of forces in an age of transition, the c[hapters] that remain suffer far less from their abr[upt termi]nation than would be the case with a[n ordinary] novel. We have pictures, complete e[n]... selves, of Gaston, in the isolation of ... a lonely French château; of his ... in orders in the episcopal house[hold] ... of the influence upon him, a[t] ... of the less sensitive minds ... asso[ciated with] the worldly bishop; of ... [su]dden ... "modernity," to the ... [flutt]ering p...

temporary poetry, "as veritable, as intimately near, "as corporeal, as the new faces of the hour, the "flowers of the actual season." Then comes a visit to the pagan Ronsard, the poet whose influence had wrought such a change in him, at the priory of Croix-Val; and then a visit to the sceptical Montaigne, with his "keen, constant, "changeful consideration of men and things"; and, finally, after a dim vision of the massacre of St. Bartholomew, we listen with Gaston on Whit Sunday in Paris to a pantheistic sermon from Giordano Bruno, "that true son of the Renaissance," with his "large, antique, pagan ideas." Gaston had awakened, after his interview with Ronsard, to the consciousness of a conflict, no longer "mere bad-neighbourship," between two ideals that made rival claims upon him. The new religion of the Renaissance "came in part, avowedly, as a kind of conse-"cration of evil, and seemed to give it the beauty of "holiness." The story fails us before Gaston has made peace between the warring forces or found the solution of the world-old problem.

And so we come back to the "sadness of fare-"well." It is softened, however, by the thought that this volume and its fellows, unlike that which they most nearly resemble, the intimate talk of a wise and gracious friend, remain an abiding possession. Ever and anon we can escape from the noise and dust of life to these "quiet houses," absorb awhile their restful "subdued light," listen to their "tran-"quillising voices."

## SIR C. ELLIOTT ON THE DEFENSIVE.

By J. Dacosta.

In an article published in the October number of the *Asiatic Quarterly Review*, Sir Charles Elliott, late Lieutenant-Governor of Bengal, undertakes to defend the practice adopted by the Indian Government of vesting its collectors of revenue with judicial powers which enable them to sit in judgment over their own acts and the acts of their subordinates. Complaints of the miscarriage of justice and of grievous wrongs suffered by the people under a [s]ystem so anomalous have been frequent for years, [a]nd have recently become louder and louder, owing [to] the persistent continuance of the evil. Referring [to] those complaints, Lord Kimberley, in May, 1893, [ad]mitted that the system was contrary to right and [go]od principle, but pleaded that it was impossible at [the] time to find the financial means of making the [nec]essary reform. The plea thus adduced for leav[ing] the administration of justice in an avowedly [im]paired condition seems scarcely admissible in view [of] the millions of Indian revenue which are annually spent in trans-frontier expeditions for acquiring the

territory of our Afghan neighbours, who give us no cause to fear for the security of our borders, and whose country is much too poor to yield any revenue adequate to the maintenance of a British garrison in it. Those expeditions have thus entailed a diversion of Indian revenue from its legitimate use—namely, the promotion of welfare among our Indian fellow-subjects. At the same time, the anomalous system of judicial administration, now defended by Sir C. Elliott, constitutes a breach of public faith as pledged by the British Government in the following passage of Regulation II. of 1793:—

"The Revenue officers must be deprived of their judicial powers. All financial claims of the public, when disputed under the regulations, must be subjected to the cognizance of Courts of Judicature superintended by judges, who, from their official situations, and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors of land, and between the latter and their tenants. The Collectors of revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to Courts of Judicature, and collect the public dues subject to a personal prosecution for every exaction exceeding the amount which they are authorised to demand on behalf of the public, and for every deviation from the regulations prescribed for the collection of it."

The highly beneficial results, both political and financial, of the *régime* inaugurated in 1793, are matters of history. They have been seriously impaired, however, by the subsequent revival of the condemned system of appointing revenue-collectors to preside in Law Courts—a system which obviously facilitates the enforcement of fiscal demands illegally assessed, and is repugnant to every sense of fairness and justice. Sir C. Elliott contends, however, that "the system has great merits and advantages, that it in no way trenches on judicial independence, and that no valid proof has been adduced of any evil arising from it." He goes on to say:—

"I cannot do better than quote from Sir J. Strachey's 'India': 'We often hear of demands for the more complete separation of Executive and Judical functions in India; but they are demands based on the assumption that because it is good for England, it is good for India. There could be no greater error.'"

The argument thus denounced by Sir J. Strachey is no doubt puerile, and its inapplicability here i[s] self-evident. But when and by whom has it bee[n] adduced? It does not appear in the petitions a[nd] other papers on the subject published in rece[nt] years. Sir C. Elliott further states:—

"The more important item in the District Magistra[te's] power consists in his control over the Subordinate Magistra[tes], and it is this which is attacked on the plea that he use[s], or may use, this control to affect their judicial independenc[e]. [I] fully agree of course that any such interference wou[ld be] unjustifiable; but I maintain that such cases, if they [have] occurred, have been most exceptional. . . . That any[one] should say to a subordinate 'I consider this man guilty and you must decide him to be so,' would be monstrous; but no one has asserted that interference of the kind takes place."

This concluding statement is calculated to cause considerable surprise to those who have informed themselves on the subject, seeing that, in some of the very cases commented upon in Sir C. Elliott's article, interference of the very kind he alludes to—namely, interference with the judicial discretion of a judge—was most prominently complained of; and the deliberate and continuous character of the interference practised, for example, in the Maimansingh case, together with its submissive acceptance by the Subordinate Magistrate, testifies that such interference was not exceptional, but habitual—a conclusion which is confirmed by the fact that the District Magistrate who committed that "monstrous" illegality was never punished for his delinquency. It becomes necessary to quote some particulars of the suit in support of the assertions just made—a task which offers, however, no great difficulty, as the proceedings in the trial were fully published.

Rájá Surya Kant Acharya, the victim in the Maimansingh case, is a wealthy landowner, much esteemed for his liberality and his public spirit. In August, 1892, Sir C. Elliott, when laying the foundation stone of the Maimansingh Waterworks, the erection of which was due to the Rájá's liberality, said: "The many acts of utility and charity of Rájá Surya Kant Acharya merit the esteem of the public, and he is reckoned as the leading benefactor of the district." The Rájá is the head of an ancient Bráhman family, and is said to be popular in society, with Englishmen as well as with his own countrymen. Nevertheless he incurred the enmity of the British authorities in Bengal under the following circumstances.

Certain prominent measures had recently been initiated by the Government, which caused great dissatisfaction among the people. Those measures were:—

(i.) The abolition of trial by jury for offences against the person;

(ii.) The appointment of a Government officer to assess Municipal rates and taxes; and

(iii.) The imposition on the Municipalities of cer[tain] financial burdens which had always been borne [by th]e Imperial Treasury.

[These] measures, on being proposed, encountered [...]d growing opposition from the community, [and the Gove]rnment took steps to get its own officers [to pres]ide over the Municipalities for the [purpose o]f overcoming the opposition. The [...] Magistrate of Maimansingh was [...]d for the post of Chairman of [the Mun]icipal Board. But he was un[...] in[g] [...] the [...] and ascribed his failure to [...] of the [...] He had previously sent

a report to the Government, in which the following remarks were inserted :—

"The Rájá appears to be *facile princeps* in power and influence. He is a man of energy and determination and considerable force of character. A single powerful rich man can smash a Municipality with litigation. This deters the Municipality from effecting improvements which they would otherwise effect."

These remarks are reticent as to how legitimate Municipal improvements could be prevented, under the circumstances, by litigation. But they pointedly call the attention of the Government to the Magistrate's opinion, that the Rájá is a man who would have to be reckoned with when unpopular measures were contemplated by the authorities. It was accordingly devised to destroy that popularity and break that force of character which had been represented as mischievous; and the means adopted for executing that device were, to subject the Rájá to public humiliations calculated to lower him in the eyes of his countrymen, and impress him with the irresistible power of the Executive, and of the inutility of his opposing its will. In pursuance of that scheme a fictitious suit[1] was instituted, charging the Rájá with a public nuisance, alleged to have been caused through his interference with the flow of rain-water in a ditch which ran along a wall of his palace.

Before the suit was heard, a gang of labourers, accompanied by twenty constables armed with rifles, invaded the Rájá's palace, broke down the wall just mentioned, and cut a drain through the palace grounds, an order being sent at the same time to the Rájá warning him that, if he rebuilt that wall, he would be prosecuted for disobedience to the lawful order of a public servant. The intention of subjecting the Rájá to public humiliation was further manifested at the trial of the suit by his being made to stand in the dock by the side of a low criminal while the latter was being sentenced to imprisonment.

The trial was unnecessarily protracted for a week. At its conclusion the Rájá filed a Statement s… forth that the prosecution had been institute… carried on without any reasonable cause… amounted to a malicious prosecution; that… never was any nuisance; that the prosecutor m… have been aware of the fact; and that a S… ment signed by the prosecutor, and placed…

[1] The suit is characterised as "fictitious" on t… of the evidence produced at the trial, and of Sir C… claration in a Government Resolution promulga… reference to the suit, in which he said: … indiscretion is aggravated by the fact that … criminal prosecution for a nuisance with… having been made to him on the subject, an… a medical authority or a sanitary expert a… the alleged nuisance."

record of the case, contained assertions absolutely devoid of foundation.

Two days later the Assistant-Magistrate, who had tried the case, delivered his judgment, convicting the Rájá and sentencing him to a fine of Rs. 500, or imprisonment for twenty days. The Rájá appealed from this judgment to the Sessions Court of Maimansingh on the following among other grounds :—

That the Assistant Magistrate had been illegally and improperly influenced in his judgment by instructions and advice, written as well as verbal, given from time to time by the prosecutor.

That the Assistant Magistrate ought not to have permitted the prosecutor to converse with him out of Court or to advise or instruct him in any way regarding the case.

That the Assistant Magistrate, in ordering him to stand in the dock, acted in an illegal and unwarrantable manner, and that the sole object of doing so was to insult and annoy him.

That the Assistant Magistrate ought not to have placed on the record the statement drawn up by the prosecutor containing matters of prejudice against him and his Counsel.

At the hearing of the appeal, the Judge handed to the Rájá's counsel a letter he had received from the prosecutor desiring him to alter the charge on which the Assistant-Magistrate had adjudicated, alleging that the latter had intended to make the alteration while he was trying the case. Thereupon the Rájá's counsel said :—

"I must express my surprise that the Assistant Magistrate should so far have forgotten himself as to oblige Mr. Phillips with a note such as he wanted, more than a fortnight after the decision of the case. In his note (attached to Mr. Phillips's letter) Mr. Halifax not only says that he intended to convict the Rájá of a public nuisance, but ventures to accuse those who have alleged that the Rájá was acquitted of that offence, with 'wilful perversion of the truth.' I am one of those who made the allegation, and I emphatically repeat that Mr. Halifax acquitted the Rájá of that offence in spite of anything Mr. Halifax may now choose to say to the contrary, to oblige Mr. Phillips. We have nothing to do with Mr. Halifax's intention expressed more than a fortnight afterwards. Mr. Halifax is young and inexperienced, and the responsibility of this sad exhibition attaches to some one else who ought to have known better."

The hearing of the appeal presented other features …lso, which deserve the particular attention of the …ublic. The Judge after stigmatising as "im…oper" the prosecutor's attempt to influence him in … judicial decision, said that the code of criminal …edure gave him the power to alter the conviction …ggested by the prosecutor; but that he would …vail himself of that power, because he thought …t was desirable that the proceedings should end …s Court. Why he thought so, and for whom it … desirable that the proceedings should not go …ther, the Judge did not say. But the point is …lained by the fact that the Government particularly …sire that appeals in cases reflecting on the conduct … their officers should be prevented, wherever …ossible, from reaching a High Court. This

explanation would scarcely apply if Sessions Judges in India were trained lawyers and independent judges. But they possess neither qualification. They are members of the Civil Service, depending for their advancement, in a great measure, on the goodwill of their employers.

The Assistant Magistrate's judgment was reversed by the Sessions Judge of Maimansingh, without the grounds of the appeal having been publicly examined, and the Rájá was left without any constitutional means of obtaining redress for the grievous wrongs he had suffered. The action of the Government officers concerned might, perhaps not inappropriately, be compared to a foul conspiracy, the partial success of which would not have been achieved, had the unprincipled system of vesting executive officers with judicial powers not been revived and continued as it has been, and had the purity and high tone of British Law Courts been carefully maintained in the provincial tribunals in India.

## INDIAN EXPENDITURE.

### HOW IT HAS GROWN DURING THREE DECADES.

We reproduce below a table giving a "Comparison of Three Stages of Increase in Indian Expenditure, during the last thirty years—that is from 1864-5 to 1894-5."

This statement, we understand, was placed before Lord Welby's Commission at a very early period in its enquiries, before any definite plan as to the course and scope of its investigations had been settled between the Chairman and his colleagues.

The compiler of the table, Mr. W. Martin Wood, was of opinion that some such compendious survey, at once concise and inclusive, of the Commission's chief field of enquiry, would prove useful. Experience has shown that those who plunge into enquiries connected with the huge, and, at first sight, complicated subject of Indian finance, are apt to become entangled in details and cross-references, thereby sometimes losing sight of the large totals and broad facts of the subject.

These broad facts are often as much as busy public men at home can readily take in, and they are sometimes sufficient for their guidance as bearing on the essential matters in respect of which they are required to exercise their independent and responsible judgment. It was, perhaps, partly for lack of some broad review and concise summary of the very valuable evidence, collected some twenty years ago, by the Select Committee of the House of Commons, 1871-4, that its *interim* and fragmentary reports, weighty though parts of them were, failed to make an adequate impression upon responsible statesmen of that period.

It is not claimed, we understand, that each set of figures in Mr. Wood's tables will coincide with corresponding accounts that may be eventually brought out in the Commission's report. But they are taken from the Statistical Abstracts and other official returns, so that whatever minor variations may occur, arising out of changes in the form of account since the earlier period, the comparison will, we believe, be found substantially correct.

Though the compiler of these tables—whose experience of Indian finance is closer, and dates from a longer period (save in one notable instance) than that of any member of the Commission—has not appended any note or argument to his comparison, its chief results will be appreciated even by the casual reader. Thus it will be seen that the annual State expenditure proper of India has increased by over sixty per cent. since 1865, and nearly thirty per cent. on the increased expenditure of 1875.

It is the enormous increase in India's charges since 1875 which is the great fact the Royal Commission has to take account of and record its judgment upon, for increase in annual outlay is still

Comparison of Three Stages of Increase in Indian Expenditure during the last Thirty Years, *that is, from June, 1864-5, to 1894-5.*

| Heads of Expenditure, etc. | 1864-5. | | 1874-5. | | 1884-5. | | 1894-5. | | Increase. |
|---|---|---|---|---|---|---|---|---|---|
| | Rx. | Rx. | Rx. | Rx. | Rx. | Rx. | Rx. | Rx. | Rx. |
| (*a*) Gross Expenditure ... ... ... ... ... | ... | 45,840,000 | ... | 57,690,000 | ... | 71,366,070 | ... | 94,163,600 | 48,323,600 |
| *Deduct* chief items of outlay not being Administrative Charges:— | | | | | | | | | |
| *Opium*—Cultivation and Collection... | 2,325,780 | ... | 2,[illegible] | | 2,966,640 | ... | 1,646,400 | ... | |
| *Salt*—Production and Collection ... | 462,130 | ... | | | 449,328 | ... | 497,600 | ... | |
| *Railways*—Working Expenses ... ... | 1,565,430 | ... | 4[illegible] | | 12,949,306 | ... | 23,629,400 | ... | |
| | | 4,353,340 | | [illegible]980 | | 16,365,274 | | 25,773,400 | |
| (*b*) State Expenditure (Civil and Military) | ... | 41,486,660 | | [illegible],020 | ... | 55,000,796 | ... | 68,390,200 | 26,903,540 |
| (*c*) Army Charges (adding Military Works charged to Revenue and deducting Receipts) ... ... ... ... ... ... ... | ... | 15,888,060 | | [illegible]84,600 | ... | 17,456,424 | ... | 24,334,800 | 8,446,740 |
| (*d*) Civil Expenditure (including Post, Telegraph and Mint) ... ... ... ... | ... | 25,598,600 | | [illegible]420 | ... | 37,544,372 | ... | 44,057,400 | 18,458,800 |
| (*e*) Aggregate (Net) Military Expenditure (in three decades) ... ... ... | ... To the decade ending [illegible] the contribution fro[illegible] sury, five millions ste[illegible] | ... | | | 184,929,075<br>5,850,000<br>190,779,075 | | 220,563,743<br>(Includes Special Defence Works.) | | 58,098,925 |
| (*f*) Public Debt at the period ... ... ... | ... | Rx 74,457,681<br>£26,125,100 | | | | 93,132,425<br>69,271,088 | ...<br>... | 104,349,278<br>116,109,490 | Rx.29,891,597<br>£89,984,390 |
| (*g*) Council Bills drawn for in the year ... | ... | £6,729,473 | | | | 13,758,900 | ... | 15,532,300 | 8,802,827 |
| (*h*) Home Charges during the year ... ... | .. | £4,997,495 | | | | 17,527,406 | ... | 15,594,500 | 10,597,005 |
| (*j*) Excess of India's Exports over Imports | ... | Rx,19,960,000 | | | | 15,630,000 | ... | 34,082,000 | |
| (*k*) Arrears due from Guaranteed Railway Companies for interest in excess of net earnings... .. ... ... ... ... | ... | £6,650,000 | ... | | | [illegible],949,613 | ... | 13,185,015 | |

going on. The most serious economical consideration in this connexion is that the increase is mainly in the unproductive portion of India's outlay, and in that which goes more than any other to swell the Home Charges, thereby making the burden on India's industry and revenues more difficult to bear. It will be seen from the tables that whereas the aggregate Military Expenditure in the decade ending 1874-5 was Rx.162,464,818, in the decade ending 1894-5, this unproductive outlay had reached the enormous figure of Rx.220,563,743; and, by the same token, the annual drafts of the Secretary of State at the latter period stood at nearly half as much again as in 1875.

Meantime the Debt of India has advanced by leaps and bounds. As will be seen from the table it was in 1894 about twice the amount it stood at in 1864-5. With regard to the sterling debt so largely increased even since 1875, there is this qualification to be noted—some ten to fifteen millions of it represent cost of the East Indian and other railway companies when taken over by the State, thereby so far reducing its item of "arrears due for Guaranteed Railway Companies."

## SIR W. WEDDERBURN'S PROPOSAL FOR A COMMITTEE ON INDIAN FINANCE.

The *Manchester Guardian*, of September 28th, devoted its first leading article to a discussion of Sir W. Wedderburn's article on "The Indian Budget Farce," which appeared in our last issue. The *Guardian* wrote:—

If the expressions of regret so common after an Indian Budget sitting of the House of Commons that Parliament gives too little attention to the affairs of India are not mere platitudes, they are at least singularly fruitless. Our consciences are stirred for a moment, and then, unless some untoward event or some pressing question of policy arises, little is heard of India again in Parliament until, at the fag-end of another session, the annual Financial Statement is once more brought under the notice of a wearied House. An earnest protest on this subject, entitled "The Indian Budget Farce," appears in the October number of INDIA. The writer, Sir William Wedderburn, has had a long experience in the civil administration of India, and is one of the small band of men in the House of Commons who add to their knowledge a deep interest in its welfare. We may not altogether agree with his view that the annual Budget debate is a "discreditable farce," but every-one who is alive to British responsibilities and British interests in India is made painfully aware once a year, if not oftener, that the work of Parliament in the comprehension and control of Indian affairs is very slackly performed. This is not merely a question of conscience. Persistent neglect of an important duty brings after it, as a natural consequence, a loss, or at least a serious weakening, of authority. And there are signs of a tendency on the part of Indian administrative departments to act with less regard to the oversight of Parliament than they would if it were known that its control was steadily and effectively exercised. To say this is not to cast any slight upon the persons who carry on the administration of India. It is simply a matter of common experience that when those who are charged with high responsibilities give little heed to the duties which they involve, the powers attached to them have a way of passing partly or entirely into other hands. The appeal now made touches, therefore, very closely the self-respect of every member of Parliament and of every Englishman who has any care for the efficiency of British rule in India.

What is the remedy for a neglect of duty which is freely acknowledged? The quickening of public interest in Indian affairs sufficiently to impress our representatives in Parliament is hardly to be looked for, because, although many men and several constituencies are closely concerned in various ways with the welfare of India, those who have knowledge enough to be able to form intelligently founded opinions on Indian questions must always be a small minority. Some good may, no doubt, be done in this direction, but anything like effectual reform must proceed from a change in the method of dealing with these questions in Parliament itself. Place must be found for the consideration of the Financial Statement and of important questions of policy by the whole House before the minds of members have become jaded, or else these must be submitted to a specially appointed body. The latter is the course advocated by Sir William Wedderburn. Towards the close of last session he put forward a proposal to the effect that a Select Committee of the House of Commons should be charged with the duty of examining and reporting upon the East India accounts. This method would, he considered, be simply an application to the Indian Financial Statement of a practice already existing with reference to the accounts of the United Kingdom. The answer of the Secretary of State for India was remarkable. He denied that the control of Parliament over Indian finance could be made more real than it is, and held that the financial supervision exercised in India is "more efficacious than any control which could be exercised in this country would be." That is as much, or nearly as much, as to say that the submission of the Financial Statement to the House of Commons is a mere form. If that be the official view of the matter, it is surely one which cannot be acknowledged by Parliament without the virtual abdication of one of its most important functions. Writing in 1879, Mr. Fawcett said: "No one can reasonably desire that the English Parliament should perpetually meddle in the details of Indian administration. It should, however, never be forgotten that when the East India Company was abolished the English people became directly responsible for the government of India." A little later, alluding particularly to its financial administration, he enforced the necessity of "careful Parliamentary enquiry." He added: "Among the many reasons that may be urged in favour of such an enquiry, it may be mentioned that the experience of the past has shown that it is in the highest degree desirable that Indian affairs should be periodically investi-

gated. In the days of the Company such an investigation was ensured at regular intervals, because the Charter of the Company, from which it derived its authority, was only granted for twenty years, and each renewal of the Charter was invariably preceded by a Parliamentary enquiry."

Other eminent authorities might be quoted to show that for years after India was brought under the direct administration of the Crown the control of Parliament was deemed a matter of the highest importance, especially in regard of its finances. To acquiesce, therefore, in the tacit assumption that the Legislature is incapable of properly exercising this function, and—still more important—to give countenance to it by neglecting to provide for its effective discharge, is to lower the dignity of that "Imperial" Parliament, of whose history and traditions we are justly proud. If we have indeed fallen so far below the standard of duty with regard to India, upheld in the past, as to give to its affairs only the miserable remnant of energy and attention which is left in the closing days of the session, the failure is the more remarkable in these days of large talk about Imperial union and a greater Britain. No body of men has been so persistently charged with narrow views of British obligations as those who were known by the name of the Manchester School. But it is impossible to read the speeches and writings of Bright and Cobden upon Indian affairs without observing the abundant thought which they had given to the subject and the largeness of their conception of our duties and responsibilities in the government of India. The questions with which they had to deal have in part been disposed of, but new ones, some of them not less important, are continually arising which Parliament cannot safely neglect or deal with slothfully. As some slight corrective to the general neglect of Indian affairs and interests by the House of Commons, as a whole, a certain number of its members have formed an "Indian Parliamentary Committee." This unofficial body, Sir William Wedderburn tells us, has, after careful deliberation upon the Financial Statements, submitted to the Secretary of State from time to time, and circulated throughout the House, explanatory notes upon these Statements dealing with substantial questions of account directly affecting the conclusions to be drawn from them. Work of this kind is of great value within certain limits. But it is not the work of the House of Commons as such, and necessarily it is carried on with imperfect information and with much feebler results than we might depend upon if some such proposal as that of Sir William Wedderburn were adopted. It is clear that this question of the better exercise of the authority of Parliament in Indian affairs demands earnest and thorough consideration, and we trust that attention will be drawn to it early in the coming session. Here, surely, is a call to private members of the House who have had no sort of official connection with the administration of India to take a deeper interest in the concerns of that country. Valuable as may be the presence in Parliament of retired Indian officials, it cannot be good that matters should be left entirely in their hands and in those of the representatives of the India Office. Neither Mr. Fawcett nor Mr. Bright was ever in India, yet the speeches and writings of these men bear witness to the abundant knowledge which they had acquired of its condition and needs, and to the high value of their counsel. What they have done others may do, and it would be difficult to imagine a worthier aim for a private member than in this great matter to follow in their steps.

## THE CIVIL SERVICE OF INDIA.

The following is a list of persons who are declared by the Civil Service Commissioners to have shown a competent knowledge of the subjects of the final examination of candidates selected in 1895 :—

| Name. | Presidency or Division of Presidency to which assigned. | Marks obtained in the Final Examination. |
|---|---|---|
| Keith, William J. ... ... ... | Burma | 1,766 |
| Marris, William S. ... ... ... | N.W.P, etc. | 1,698 |
| Heycock, William B.... ... ... | Bengal | 1,676 |
| Johnston, Frederick W. ... .... | N.W.P., etc. | 1,648 |
| Butler, Montagu S. D. ... ... | N.W.P., etc. | 1,636 |
| Asghar-Ali, Sheikh ... ... ... | N.W.P., etc. | 1,628 |
| Campbell, William E. M. ... ... | N.W.P., etc. | 1,517 |
| Humphries, Edgar de M. ... ... | N.W.P., etc. | 1,511 |
| Moberly, Arthur N. ... ... .. | Bengal | 1,504 |
| Stowell, Vere A. ... ... ... | N.W.P., etc. | 1,492 |
| Turing, Julius M. ... ... ... | Madras | 1,488 |
| Donald, James... ... ... ... | Bengal | 1,469 |
| Jeffries, Francis J. ... ... ... | Bengal | 1,468 |
| Hammond, Egbert L. L. ... ... | Bengal | 1,487 |
| Gracey, Stephen W. ... ... ... | N.W.P., etc. | 1,423 |
| Rossiter Reginald A.... ... ... | Bengal | 1,413 |
| Pringle, John C. ... ... ... | Bombay | 1,398 |
| Emslie, Harold H. .. ... ... | Bengal | 1,391 |
| Campbell, Archibald Y. G.... ... | Madras | 1,376 |
| Thornton, Hugh A. ... ... ... | Burma | 1,374 |
| Balfour, Charles F. ... ... ... | N.W.P., etc. | 1,363 |
| Wilberforce, Samuel... ... ... | N.W.P., etc. | 1,362 |
| Marr, William A. ... ... ... | Bengal | 1,331 |
| Palmer, Charles E. ... ... ... | Bombay | 1,307 |
| Braidwood. Harold L. ... ... | Madras | 1,300 |
| Stokes, Hopetoun G. ... ... ... | Madras | 1,287 |
| Holland, Robert E. ... ... ... | Madras | 1,266 |
| Duval, Herbert P. ... ... ... | Bengal | 1,265 |
| Yewdall, Frank ... ... ... | N.W.P., etc. | 1,257 |
| Coutts, William S. ... ... ... | Bengal | 1,256 |
| Pratt, Henry S. ... ... ... | Burma | 1,246 |
| Wilkinson, Charles R. ... ... | Burma | 1,220 |
| Fergusson, John C. ... ... ... | N.W.P., etc. | 1,219 |
| Clayton, Alfred H. ... ... ... | Bengal | 1,206 |
| Rose, Edward E. P. ... ... ... | N.W.P.. etc. | 1,204 |
| Kilby, Reginald G. ... ... ... | Bengal | 1,183 |
| Johnston, James L. ... ... ... | N.W.P., etc. | 1,132 |
| Wallace, Edward H. ... ... ... | Madras | 1,129 |
| Barniville, John J. ... ... ... | Bengal | 1,118 |
| Raw, William ... ... ... ... | N.W.P., etc. | 1,110 |
| Boyd, Frederick K. ... ... ... | Bombay | 1,104 |
| Stiffe, Norman C. ... ... ... | N.W.P., etc. | 1,095 |
| Mumford, Charles A, ... ... | N.W.P., etc. | 1,085 |
| Burton, Francis H. ... ... ... | N.W.P., etc. | 1,070 |
| Phelps, Edwin A. ... ... ... | N.W.P., etc. | 1,060 |
| Stow, Alexander M. ... ... ... | N.W.P., etc. | 1,049 |
| Panton, Edward B. H. ... ... | Bengal | 1,048 |
| Loxton, Charles W. ... ... ... | N.W.P., etc. | 1,028 |
| Rendell, Hugh D. ... ... ... | Bombay | 1,024 |
| Vernede, Arthur H. ... ... ... | Bengal | 1,019 |
| Monteath, George ... ... ... | Bombay | 1,017 |
| Waller, David G. ... ... ... | Madras | 1,012 |
| Bird, Benwell H. ... ... ... | N.W.P., etc. | 990 |
| Vernon, Charles V. ... ... ... | Bombay | 986 |
| Hall, Sidney C. ... ... ... | N.W.P., etc. | 972 |
| Skinner, Stephen S. ... ... ... | Bengal | 971 |
| Adie, Walter S. ... ... ... | Bengal | 963 |
| Chotzner, Alfred J. ... ... ... | Bengal | 955 |
| Smith, James C. ... ... ... | N.W.P., etc. | 950 |
| Graham, John F. ... ... ... | Bengal | 865 |
| Tupper, John H. E. ... ... ... | Bombay | 857 |
| Rogers, Cecil A. P. ... ... ... | N.W.P., etc. | 809 |
| Leftwich, Charles G. ... ... ... | N.W.P., etc. | 739 |
| Marten, John T. ... ... ... | N.W.P., etc. | 696 |
| Clarke, Charles A. ... ... ... | N.W.P., etc. | 643 |
| Hemingway, Percy ... .. ... | N.W.P., etc. | 625 |

The seniority in the Civil Service of India of the selected candidates will be determined according to the order in which they stand on the list resulting from the combined marks of the open competitive and final examinations.

## THE COTTON INDUSTRY IN INDIA.

### EXPERIMENTS IN THE GROWTH OF EGYPTIAN COTTON.

Mr. Jamsetjee N. Tata, a public-spirited citizen of Bombay whose name is well known throughout India, has just issued an interesting and important memorandum suggesting experiments on a large scale in the growth of Egyptian cotton in India. "The present state of our cotton industry is," he writes, "a subject of great anxiety, not only to the capitalists who have invested very large sums in the erection and purchase of buildings and machinery, but to all who have the well-being of India at heart. Our greatest reliance at present is on a foreign country—China. But there is an awakening of the nations of the farthest East. The new infant prodigy Japan is advancing in all the arts and sciences with leaps and bounds, and the old giant China seems to be just awakening from her sleep of ages. Then Germany, Austria, and Belgium have seriously come forward to compete with England in the effort to stuff us with their manufactures."

### THREATENED DESTRUCTION OF INDIAN INDUSTRY.

Under these circumstances, "it has become an obvious necessity for us all to consider how our young and only industry is to be saved from threatened destruction."

By "us all" I mean, first and foremost our capitalists, who have invested their money in the industry; secondly, our rulers who know very well what a great stay and help it has been to the agricultural classes, who in many districts have been able only by the earnings obtained from our cotton mills to stick to their fields, and pay the Government cess readily; and lastly our educated and leisured class, which has lately awakened to the necessity of trying to do something for our poor and starving submerged class, which our best writers on political economy put at something like one-third of our whole population.*

Mr. Tata earnestly invites the co-operation of all classes in a scheme which, he thinks, "may even become a source of great amusement as a rational pastime. I believe every professional man in India, whether in active business or retired, has some interest in land, and nothing can be easier than for anybody to try my proposed experiment on half an acre or so under his immediate supervision. No scientific methods are at all necessary. Any ordinary Indian khedoot can easily comprehend the principal essentials of the trial."

### "ONE OF THE GREATEST PROBLEMS OF THE GENERATION."

"Our Government, with the organisation
money at their command, have often tried and f
through no fault of theirs. Now, let us see
people themselves, with their own means a
their own experience of ages, may not su
their own account. It is well known on v
the Government experiments have split. T
undoubtedly been a greater reliance on fo
and experience, without sufficient effort
any advantage from local and native exper

If we look at the statistics of our foreign impor
tion is at once rivetted by the enormous amount c
and printed goods we receive at our four principa

sum of these imports totals up to an average of no less than thirty crores of rupees per annum. All these are principally made from 30s to 40s warps, and 40s to 50s wefts. Now, manufacturers know that it is hardly possible to make out of our Indian cotton warps above 30s to give the necessary production on our looms. Some passable wefts of the coarser grades may be made out of our home grown cotton; but for higher classes of goods, the use of exotic cotton is more or less necessary. Some mills, with the view of experimenting in the manufacture of these higher classes of goods, have been for the last two or three years using American and Egyptian cotton with some success. But the relatively high prices of these staples this year have nearly put a stop to these experiments. Now, if India were enabled to grow for herself the long-stapled varieties, she would derive immense benefit in three different directions:—

(1) Her agriculturists would have an additional and probably more paying crop to handle.

(2) The country would gain by having so much less foreign produce to import and pay for.

(3) The State would gain immensely in her exchange operations if India were not under the necessity of importing goods to clothe her people to very nearly the extent of 30 crores of rupees per annum.

Of course, all this is not to be attained in a year or even half a dozen years; but if the cultivation of Egyptian cotton proves at all feasible, it may be the means of solving one of the greatest problems of the generation.

### A FAIR CHANCE OF SUCCESS.

The average out-turn of clean cotton all over India is, Mr. Tata says, below 30 lbs. an acre, and even in the most favoured Broach districts it is considerably under 100 lbs. an acre, while the average out-turn per acre in Egypt is over 600 lbs. As to value, while the Indian will not fetch more than an average price of 3½d., Egyptian cotton is worth over 5½d. per lb.

The climate and soil of Egypt are undoubtedly unique; but in this vast continent of ours we have such varieties of climates and soils that it would not be hard to be able to find all that we want in some parts of the Empire. As regards latitude, the cotton-growing zone of Egypt can easily be matched in our country. In Sindh and the Gangetic plains, and on the banks of many other minor rivers, besides similarity of situation and climate, we may find the rich silt which gives fertility to the Nile valley. The methods of cultivation are not at all high or scientific, and above the level of comprehension of our more intelligent cultivators. Between October and May, when according to my belief, Egyptian cotton may most suitably be grown in this country, our climatic conditions are as closely as possible like those of Egypt between March and October, between which months their crop is sown and gathered.

Previous experiments were not tried under suitable conditions. Such experiments were made to grow Egyptian cotton as a *Kharif* crop, while circum-
clearly show that the proper conditions cannot
ned in India unless the crop be sown in the
on as a *Rabi* crop. "From this, I do not
jump to the conclusion that Egyptian cotton,
as a *Rabi* crop in India, is sure to succeed.
I contend for is the inherent probability, under
rcumstances, of a fair chance of success. And
e cost does not promise to be ruinous, I believe
be my duty, and the duty of every well-to-do
e of this country, to lend a helping hand to-
making a final trial of this most important
ment."

### IRRIGATION AND SOWING.

ndertaking the trials, it is very important that
a field as possible as regards soil and climate
be chosen. At present it is contemplated to

try experiments on about half a dozen one-acre plots in some well-known localities where the best varieties of cotton are produced.

The great difficulty is the question of irrigation. But as no natural irrigation is available in most of the localities pitched upon for the trials, we shall have to depend on the village well with the assistance of our bullocks and the leathern bucket. Of course, there are plenty of irrigable lands in various parts of India, but there are difficulties of distance and soils in the way, and I have thought it best to confine myself to such places where kind friends have undertaken to try these experiments, or look after them closely.

Mr. Tata appeals to all sympathisers for information as to any experiments already tried with Egyptian cotton. Especially he invites officials and residents in Sindh to experiment in their Province.

This Province in situation, climate, soil, and more especially in the orderly inundations of its chief river, bears such a close resemblance to Egypt, that to me it promises the greatest hopes of success in our experiments.

The eight months from October to May give us, as nearly as possible, the conditions necessary for growing cotton in Egypt, as well as the months during which most of our *Rabi* crops are grown. Local conditions of soil and rain-fall must guide every experimenter as to the exact time of sowing—whhether it should begin immediately on the stoppage of the rains at the end of September, or be put off till the middle of November. Also, the exact distance of the plants from each other must, to a great extent, depend upon the quality of soil, and the amount of manure. Every experimenter must depend on his own or some expert *Koonbi's* observation as to the time when the plants may require water.

As is well-known, the cotton plant strikes its roots very deep into the soil in search of water, very often to a depth of nearly twice its height above ground; and I would suggest to some experimenters who may have a deep rich black cotton soil available, to plant the seeds immediately after the rains, and let them grow and mature pods without any further watering. Of course, weeding and the necessary tillage must be proceeded with as usual. The manure may be worked in before the furrows are made, or if required in small quantity only, sprinkled by hand over the line in which seeds are to be planted.

### HOW BAMIAN IS GROWN.

Mr. Tata proceeds to describe the methods pursued in Egypt in growing the long-stapled brown variety called Bamian.

For cotton culture the field must be well plough[ed …] rule, the plough must run over the field three times, a[…] of ten days being allowed each time, in order that th[e] air may penetrate the soil. After that the harrow [is passed] over for the purpose of levelling the soil and break[ing] lumps of earth. Furrows are then made also by mea[ns of the] plough, at a distance of one yard from each other, the [width] of the furrow included, which must be about ten inches[…] the depth is to be the same. Between one plant and a[nother] a space of about one foot is to be left. The sowing is[…] about the 15th March, and in sowing, ten seeds are pla[nted in] the ground immediately under one side of the ridg[e …] giving a lateral distance of one yard between one lot o[f seeds] and another, but more than two plants are never allo[wed to] grow together. All the others are plucked up. Th[e …] robust only are left. This operation is finished wh[en the] plants have obtained a height of 4 to 6 inches.

The first water is given immediately after t[he sow]ing, which is done while the ground is st[ill …] The second water is given after the se[eds have] germinated, that is, after ten or fifteen days. Twenty days after, the ground is tilled and the weeds are removed.

The soil around the young plants is stirred up; it is then watered, and the superfluous plants are plucked up. Ten days after the fourth water is given, and when the ground is dry another tillage is done. At this juncture manure is put around the roots of the plants if the soil has not been manured after the first or second ploughing. The fifth water is given 20 to 25 days after, and the month of June is thus reached, when the ground is watered every ten days, till the end of September. At that period the first gathering is effected, and one more water is sufficient in the interval between the first gathering and the second. The above cannot be considered as fixed rules for watering. A great deal depends on the condition of the plant which will show whether watering is to be made earlier or later. The weather either dry or damp, the temperature more or less warm, as well as the nature of the soil, are so many indications likely to cause a modification of the system of irrigation.

### CATERPILLARS AND FOGS.

Cotton plants are subject to damage from (1) caterpillars and (2) fogs. The first can be destroyed, but not the second.

The cotton culture has been extended to Upper Egypt only of late years, and after material improvements have been introduced in the system of irrigation. A temperature of over 30" C or 80" F in the sun, is sufficient for cotton sowing. For the gining of cotton in Egypt Platt's Machines are used. Every gin yields 100 lbs. English nett of cotton per hour. The nett 100 lbs. of cotton represents one-third of the weight of raw kuppus, *i.e.*, 300 English of seed cotton passing through the gin every hour, turns out 100lbs. nett. of cotton, and 200lbs. of seed. Every factory possesses a gin called the "Affrite." This is of American origin, and is provided with a saw which serves to gin the scarto cotton, inferior, which falls with the seeds from Platt's gins.

India will have to begin in October instead of in March as in Egypt, and every operation must be performed at the same distance of time, but of course with such variation in time owing to difference in temperature, soil, etc., as may be taught by experience.

As far as ridging, tilling, etc., our rayats, especially of the Broach districts, know how to use their own implements to advantage. The sowing must of course be done by hand, after marking off the right distances. One object in tilling must be distinctly kept in mind. Remembering that the seeds are to be sown immediately below the ridge, the plants that grow higher than these ridges have to be gradually shored up by the soil forming the ridge, so that as they grow higher they should appear quite above the new ridge formed over their roots. The object of this is to encourage the growth of rootlets, which may imbibe moisture and nourishment so much more easily.

One thing the cultivator must not forget—that the [cr]op in Egypt takes 7 to 8 months to mature, and [m]ost likely it may take the same time or a little less [in I]ndia, according to situation.

[…] would take him quite to the end of May, or, very near [the beg]inning of our rainy season. But the Egyptian cotton is [eas]ily gathered, two pickings being finished invariably in [the spac]e of a fortnight. In Egypt, where the land is so rich, [whe]n a second crop is grown on it, either clover or […] But with us, owing to the change of season, […] Muckai may be tried instead. But a good deal of [… m]ay become necessary for our soil, to enable us to [… a se]cond crop.

### WANTED: CO-OPERATION.

[…t]hese observations, and a reiteration of the […]t gentlemen taking an interest in the

matter will be good enough to communicate to the writer any information going, for or against, the conclusions he has attempted to draw, and also, without hesitation, to apply to him for any explanation or additional information that may be required, the writer begs to recommend his observations to all who take an interest in the material advancement of our country, and the well-being of its labouring poor."

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Mr. Oscar Browning writes to the *Westminster Gazette* from King's College, Cambridge, as follows:

"In your note about Mr. Chatterjee's remarkable performance you omit one important aspect of the question: you urge that he should have been examined in India, but you do not remark that if he had been trained in India he might not have obtained his present distihction at all. Mr. Chatterjee was not educated at a private tutor's, but is a product of the University of Cambridge. His marks are now before me, and I observe that he was first in Political Science, first in Modern History, first in English History, and nearly first in English Composition, good in Political Economy and Economic History, all subjects forming part of the Historical Tripos in which he took his degree. He was also first in Sanskrit and good in English Literature, subjects which may be regarded as taking the place of Greek and Latin, which he did not offer. The remaining subject he offered was mathematics, in which he only did moderately well.

As Mr. Chatterjee's college tutor I may perhaps be allowed to say that in ability and in character he is, in my opinion, as well fitted to hold the highest posts in Indian administration as any Englishman who has entered that service by open competition. His claim to stand by the side of Prince Ranjitsinhji is that they have both met Englishmen on their own ground and beaten them. Neither one nor the other could have done what they have done if they had remained in their own country. Friends of India would be better employed in endeavouring to mitigate the absurd restrictions of caste than in advocating changes which would defeat the very object they have in view."

There are only two misapprehensions behind Mr. Oscar Browning's interesting letter, but they are serious ones. In the first place, so probable is it that, if examinations to the Indian Civil Service were held simultaneously in Calcutta and London, many more Indians would "meet Englishmen on their own ground and beat them," that the opponents of Mr. Dadabhai Naoroji's proposal base their opposition to it chiefly upon this probability. In the second place, "friends of India" (*vide* Hansard and the Blue-book *passim*) do not object to the requirement that successful candidates should come over to England and enter one of the older universities. What they object to is a system which imposes upon Indian parents a very heavy—and, so often, prohibitive—fine in order that their sons may have a *chance* of success at the first examination.

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## LECTURES OF ADAM SMITH.

*Lectures on Justice, Police, Revenue, and Arms.* ... livered in the University of Glasgow by ... SMITH; reported by a Student in 1763, ar... with an Introduction and Notes by EDWI... (Oxford: Clarendon Press; 1896.)

On the face of it, there might seem t... ground of objection to this resuscit... Lectures, in the mere fact that the M... Professor's own handwriting, but i... student. It is, one would think, e... Professor turn in his grave to have his teaching handed down to posterity in a student's notes, unless the student was unusually capable. In point of fact, however, much valuable matter has come down to us in this very fashion. In the present case, fortunately, "we know," says Mr. Cannan, "that the disciple was both faithful and intelligent. We have most unusual means for judging of the accuracy of his work, and we find that it stands the severest tests in a manner which might be envied by a modern reporter with the advantage of shorthand." We may therefore be reassured as to the fidelity and discrimination of the student.

A second point of difficulty presents itself as a point of casuistry. Is it an act of impiety towards the memory of a great man to publish, by an evasion of his last wishes, literary matter that he undoubtedly wished to be destroyed? Mr. Cannan has persuaded himself that Adam Smith "would not have judged harshly of disregard of wishes more than a century old," and he relies on a text in one of the present lectures: "piety to the dead can only take place when their memory is fresh in the minds of men—a power to dispose of estates for ever is manifestly absurd." Further, he thinks it probable that if Adam Smith "had been acquainted with the criticisms which were to be passed upon his work, he would have withdrawn all objection to the publication of his Lectures." The real justification lies in the important light it throws upon the composition of "The Wealth of Nations."

In the first place, Mr. Cannan disposes conclusively of the belief, dating from the hasty and ignorant assertions of Du Pont de Nemours, that "The Wealth of Nations" was deeply indebted to Turgot's *Réflexions*, published some six years earlier in the obscurity of the periodical *Ephémérides du Citoyen*. The French work is not known to have been in Adam Smith's own library, and it was not in the Advocate's library at Edinburgh in 1776; and there is, in fact, no probability that Adam Smith had ever seen it before the publication of his famous book. The coincidences in doctrine are capable of the simplest explanation, apart from any charge of plagiarism. "But," says Mr. Cannan, "as it now appears that the resemblance between the *Réflexions* and the 'Lectures' is just as close as that between the *Réflexions* and 'The Wealth of Nations,' and as the *Réflexions* were not even written till after Adam Sm... th had ceased lecturing and had seen and con... ed with Turgot, it may be supposed that the ... usiasts of plagiarism will now seek to show that ... d of Smith stealing from Turgot the truth was ... urgot stole from Smith." For us, it is enough ... mith's independence is now placed beyond all ... l question; we have no taste for vicious ... ls.

... manuscript of these Lectures is in the posses... Mr. C. C. Maconochie, an Edinburgh advo... a family of advocates. It is traced back to ... aconochie's grand-uncle, whose name with the ... 811 is inscribed on it; and it cannot be traced ... r. Mr. Maconochie regards it as impossible, ... ew of the dates and other facts, that either his ... d-uncle, "or his father, the first Lord Meadow... k, or his brother, the second judge of that name,

took the notes which were subsequently copied out." He is inclined to think that the book must have been bought "at a sale or elsewhere." The MS. appears to be a fair copy, and not the original notes taken at the lectures; and a fair copy, too, not made by the person who took the original notes. The copyist seems to have been a person of mature years, who often did not understand what he was writing. "He habitually makes nonsense of the argument by dividing sentences and paragraphs at the wrong place." Mr. Cannan works out all the points very fully and interestingly.

In particular, Mr. Cannan indicates the various elements of the present Lectures that were worked up into "The Wealth of Nations." He shows how we may "follow the gradual construction of the work almost from its very foundation, and distinguish positively between what the original genius of its author created out of British materials, on the one hand, and French materials on the other." He goes into this matter in great detail. This is the real importance of the new publication. The most substantial part of it consists of the treatment of "Justice." "The end of justice is to secure from injury. A man may be injured in several respects: first, as a man; secondly, as a member of a family; thirdly, as a member of a State." Accordingly, Adam Smith works out his subject on these lines. Of course, a mind like his must leave its mark, even at the distance of a hundred years, upon his work, and even when vicariously presented. But, in all essential respects, the matter is now belated. Mr. Cannan has corrected numerous blunders in his careful notes, but more remain behind. The points of Roman Law are often loosely grasped, and oftener still are loosely presented. It would seem as if Smith had depended mainly on Heineccius, and practised little the wise principle, *peterĕ fontes*. Still, the blame must not rest on Heineccius, for it is obvious that Heineccius is frequently misunderstood, or inadequately apprehended. One cannot but doubt whether Adam Smith was ripe for a satisfactory handling of jurisprudence, up to the lights of his day and generation. After all, it is well to have the Lectures in the excellent typography of the Clarendon Press, and with the luminous introduction and notes of Mr. Cannan. Particularly welcome is the light they cast upon the genesis and construction of "The Wealth of Nations."

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## "HIS HONOR AND A LADY."

*His Honor and a Lady*. By SARA JEANNETTE DU
(Mrs. Everard Cotes). Illustrated by
M'CORMICK. (London: Macmillan and Co.,

"His Honor and a Lady," by Sara J.
which, now published in a single volum
appeared as a serial story in one of the M
(the *Pall Mall*, we believe), is an amusing,
and in some respects instructive picture of
Anglo-Indian life. It is, perhaps, needless
that the authoress is thoroughly master of th
tion, and does not disfigure her work with
the absurd blunders as to social conditions,
are characteristic of most English and Am
stories of Anglo-Indian society. Her earlier
of an unfortunate young Forest officer whose ve

able aunt came out to India to visit him, and of all that befell her, will be remembered by many readers for its accurate delineations of Anglo-Indian life and of some types of Indians, selected mostly from that small body of servants, clerks, and toadies with whom alone most Europeans, are brought in contact. The present story is not perhaps quite as humorous as the previous one, but it is more earnest and more artistic, and is no less accurate in the portraits which it exhibits. True these portraits are not always of the most agreeable or deserving members of the community, and anyone would err who conceived that Anglo-Indian society was mainly composed of such persons. But none the less, all who have lived long in India have known there individuals who might have sat as the originals of each of these portraits.

We have spoken of this book as a story, but it is more properly a series of sketches. The story is of the thinnest and most elusive nature. The whole plot —if it can be called a plot at all—is that the Chief Secretary of the Lieutenant-Governor of Bengal, (whose wife the said Chief Secretary is making love to), while pretending to support his chief in an important and unpopular measure, writes a vehement article against it and him in one of the papers, which contributes most materially to the decision arrived at by the Home authorities to require the Lieutenant-Governor to resign. The latter's unexpected death averts the necessity of a formal resignation, and after some little delay the Chief Secretary is appointed in his place. His programme is to go home after a decent interval and marry the widow, and he goes accordingly. But in the meantime she has become aware of his treachery to her late husband, and he returns to his Lieutenant-Governorship alone.

John Church, the betrayed Lieutenant-Governor, is a "loose-hung creature"—nervous, very obstinate, very well-meaning, and, let us add, rather a stupid, tactless being. Undoubtedly we have met more than one Bengal civilian whose characteristics are faithfully reproduced in John Church, but having known personally all the Lieutenant-Governors who have up to this day ruled Bengal, the North-West Provinces, and the Punjab, we can unhesitatingly assert that there has never been a John Church amongst them, and we do not believe it possible that any John Church, as he is drawn in this story, could ever become a Lieutenant-Governor. Many worse men, many even more pig-headed men, have held the office, but none combining his special incapacities for rule could ever have risen to the
osition. The great so-called reform,* in an attempt
carry out which his career is supposed to have
wrecked—monstrous as it was in itself, and
l as are the arguments by which he is supposed
76) to support it—need never have done him
n had he gone about it with some little tact
nspection, such as is forced by hard experi-
n those naturally most hasty, in the long
can alone be crowned with this high

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d to withdraw *all* Government support from
nd devote the funds thus rendered available
f technical education.

office. The measure was a great and startling change, which involved the absolute reversal of the policy that had been endorsed and approved for fifty years by the Home Government and Parliament, and all previous Viceroys and Lieutenant-Governors, and though Mr. Church does appear to have talked it over privately with the Viceroy, he suddenly springs it as an accomplished fact, alike upon the members of the Viceroy's council, the Secretary of State and his council, the British public, and the native community. No man capable of such a proceeding could ever have become a Lieutenant-Governor, unless he had possessed, as a counterpoise to such extreme rashness, great qualities and capacities of which we find no trace in poor John Church.

Then again, in the case of the traitor Chief Secretary Ancram, we have known a man or two in the service *capable* of such rascality, and very like the portrait drawn, but not one in the position of a Chief Secretary (especially with Ancram's great abilities) who would under any conceivable circumstances have risked what the traitor here is supposed to have done. Fancy a Chief Secretary of *Bengal* writing an article (attacking his chief virulently) for a native newspaper, an article of such a character that if at any time thereafter it could be fathered on him, it must close his career—and a Chief Secretary, moreover, exceptionally worldly-wise and without the slightest belief in or sympathy with Indians or their aspirations. He might have written to the *Pioneer*, but never to the *Bengal Free Press*. The two principal male characters may be accepted as correct portraits of some men in the Civil Service, but these men never could have occupied the positions and acted in the manner that the authoress makes them occupy and act. The two "leading ladies" of the little drama, on the other hand, are quite natural and charming, and Miss Rhoda Daye and Mrs. Church, though their parts are subordinate to those of the two men, contribute far more than do these latter to invest with interest this little string of pearls (albeit some of them are a good deal off colour) of personalities and scenery. Of these latter we have as yet said nothing, but the whole work is full of delicious word-photographs of Indian scenes, which to us, at least, do not constitute the least charm of this pleasant and amusing series of sketches.

Take Rhoda at Darjeeling just before and just after she meets and has it out with the man she really loves, and, half-unconsciously, *has* loved throughout.

"Ten minutes later Rhoda stood fastening her glove at her father's door and looking out upon a world of suddenly novel charm. The door opened, as it were, upon eternity, with a patch of garden between, but eternity was blue and sun-filled and encouraging. The roses and sweet-williams stood sheer against the sky, with fifty yellow butterflies dancing above them. Over the verge of the garden—there was not more than ten feet of it in any direction—she saw tree tops and the big green shoulders of the lower hills, and very far down a mat of fleecy clouds that hid the flanks of some of these. The sunlight was tempting, enticing. It made the rubble path warm beneath her feet and drew up the scent of the garden until the still air palpitated with it. Rhoda took little desultory steps to the edge of the ledge the house was built on, and down the steep footway to the road. The white oaks met over her head, and far up among the tree-ferns she heard a cuckoo. Its note softened and accented her unreasoned gladness—seemed to give it a form and metre. She looked up into the fragrant leafy shadows and listened till it came again, vaguely aware that it was enough to live for. If she had another thought it was that Philip Doyle had come too late to see the glory of the rhododendrons, there were only, here and there, a red rag of them left."

They meet, are caught in a storm, and take shelter in a cave :—

"And so the storm swept itself away, and the purple-necked doves cooed and called again where the sunlight glistened through the dripping laurels, and these two were hardly aware. Then suddenly a Bhutia girl with a rose behind her ear came and stood in the door of the cave and regarded them. She was muscular and red-cheeked and stolid; she wore many strings of beads as well as the rose behind her ear, and as she looked she comprehended, with a slow and foolish smile.

"'It is her tryst!' Rhoda cried, jumping up. 'Let us leave it to her.'

"Then they went home through a world of their own, which the piping birds and the wild roses and the sun-decked mosses reflected fitly. The clouds had gone to Thibet; all round about, in full sunlight, the great encompassing, gleaming snows rose up and spoke of eternity, and made a horizon not too solemn and supreme for the vision of their happiness."

But the scene of the sketch is for the most part laid in Calcutta, and the vignettes of natural surroundings there are perhaps better than have yet been given to the world by any previous author. This will seem to many exaggerated praise, but we will reproduce a few passages to explain and justify our views :—

"Later Ancram stepped out of one of the open French windows and found her alone on the broad verandah, where orchids hung from the roof and big plants in pots made a spiky gloom in the corners. A tank in the garden glistened motionless below; the heavy fronds of a clump of sago palms waved up and down uncertainly in the moonlight. Now and then in the moist, soft air the scent of some hidden temple tree made itself felt? A cluster of huts to the right in the street they looked down upon half-concealed in a hanging blue cloud of smoke and fog. Far away in the suburbs the wailing cry of the jackals rose and fell and re-commenced; nearer the drub-drubbing of a tom-tom announced that somewhere in the bazaar they kept a marriage festival. But for themselves and the moonlight and the shadow of the creeper round the pillars, the verandah was quite empty, and through the windows came a song of Mrs. Delaine's about love's little hour."

Again, Mrs. Church is returning from a bazaar in aid of women's education, where she has received the usual floral offering :—

"The disc of pink-and-white roses rolled about with the easy motion of the barouche, on the opposite seat. It was only half-past four, and the sun was still making strong lines with the tawdry, flat-roofed yellow shops that huddled along the crowded, interminable streets. She looked out and saw a hundred gold-bellied wasps hovering over a tray of glistening sweetmeats. Next door a woman, with her red cloth pulled over her head and her naked brown baby on her hip, paused and bought a measure of parched corn from a bunnia, who lolled among his grain-heaps, a fat invitation to hunger. Then came the square dark hole of Abdul Rahman, where he sat in his spectacles and sewed, with his long, lean legs crossed in front of him, and half-a-dozen red-beaked love-birds in a wicker cage to keep him company."

She meets Mr. Ancram (the chief secretary) he joins her, and they drive out to Hastings House :—

"They rolled out into the gold-and-green afternoon life of the Maidan, along wide pipal-shadowed roads, across a bridge, through a lane or two, where the pariahs barked after the carriage and the people about the huts stared, shading their eyes. There seemed very little to say. They thought themselves under the spell of the pleasantness of it—the lifting of the burden and the heat of the day, the little wind that shook the

fronds of the date-palms and stole about bringing odours from where the people were cooking, the unyoked oxen, the hoarse home-going talk of the crows that flew citywards against the yellow sky with a purple light on their wings.''

Here again is a picture of evening on the Maidan:—

"The broad roads that wind over the Maidan were full of gaiety, and the definite facts of smart carriages and pretty, bowing women. The sun caught the tops of the masts in the river, and twinkled there; it mellowed the pillars of the bathing-ghats, and was also reflected magnificently from the plate-glass mirrors with which Ram Das Mookerjee had adorned the sides of his barouche. A white patch a mile away resolved itself into a mass of black heads and draped bodies watching a cricket match. Mynas chattered by the wayside, stray notes of bugle practice came crisply over the walls of the Fort; there was an effect of cheerfulness even in the tinkle of the tram-bells."

Of course, a fête given by some Indian noble comes on the tapis, and although we have already made rather too copious extracts, we cannot refrain from reproducing one little passage in regard to that fête:—

"The verandah was very broad and high, and softly lighted in a way that made vague glooms visible, and yet gave a gentle radiance to the sweep of pale-tinted drapery that here and there suggested a lady sunk in the depths of a roomy arm-chair, playing with her fan and talking in undertones. It was a place of delicious mystery, in spite of the strains of the orchestra that throbbed out from the ball-room, in spite of the secluded fans opening and closing in some commonplace of Calcutta flirtation. The mystery came in from without, where the stars crowded strewn thick and luminous behind the palms, and a gray mist hung low in the garden beneath, turning it into a fantasy of shadowed forms and filmy backgrounds and new significances. Out there, in the wide spaces beyond the tall verandah pillars, the spirit of the spring was abroad—the troubled, throbbing, solicitous Indian spring, perfumed and tender. The air was warm and sweet and clinging; it made life a pathetic, enjoyable necessity, and love a luxury of much refinement."

Everywhere the authoress's deep sympathy with the beauties and mysteries of the still life of the fettered East serves to glorify what but for this might be merely humorous and unconvincing.

One little point remains to be noticed. Miss Duncan is by no means a sympathiser with the Indian Reform movement, on the contrary, she, though in a kindly fashion, laughs at it, and caricatures, though not very ill-naturedly, the Indian Congress-wallah. She has no doubt whatever, one can see, that Europeans, foreigners and aliens to India's soil as they are, know incomparably better what is good for India's people than the Indians do themselves. But she is a conscientious artist, and while laughing at Indian agitation, she does not minimise its power and influence. Mass meetings on the Maidan and articles in the Indian press, backed up at home by friends of India's cause, *compel* the Secretary of State, most unwillingly, but still *compel* him to order the resignation of the offending Lieutenant-Governors. Before the Congress was initiated, India might pray and protest, petition and agitate from end to end, without producing the smallest apparent result; but now, after only eleven years of Congress work in India, and less than ten of that of the British Committee, the organised and consolidated voice of India has gained such volume that it has only to speak in earnest to secure the supersession of the next most important official in continental India to the Viceroy, the Lieutenant-Governor of Bengal, the—but for India's growing voice—autocratic ruler of over sixty millions of Her Majesty's subjects. Nay, more, our authoress assures us that the teeth of Indian officialdom have been "drawn by the good friends of Indian progress in the English Parliament." Such testimony to the results achieved by their long and unwearied labours, given by one who in no way shares their enthusiasm or aspirations, ought really to encourage alike the Congress in India (the nucleus of India's future Parliament) and the British Committee here, to persevere strenuously in the good work for which they have already done and sacrificed so much, and which they both have so deeply and sincerely at heart.

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